AN ORATION MADE ON THE PART OF THE LORDES SPIRITVALL,

In the Chamber of the Third Eſtate (or Communalty) of *France*, vpon the Oath (pretended *Of Allegiance*) exhibited in the late Generall Aſſembly of the three Eſtates of that Kingdome:

By the Lord Cardinall of PERON, *Arch-biſhop of* Sens, *Primate of* Gaule *and* Germany, *Great Almenour of* France &c.

Tranſlated into Engliſh, according to the French Copy, lately printed at Paris, by Antoine Eſtiene.

Whereunto is adioyned a Preface, by the Tranſlatour.

Permiſſu Superiorum. M. DC. XVI.

AN

ORATION

MADE ON THE PART

OF THE LORDS

SPIRITUAL

THE PREFACE OF THE *Translatour, to the Reader.*

THOVGH worldly men, whose soules are swallowed vp in sense, be content to make their purse of gold their God, by occasion wherof S. Paul *thought good to say, that couetousnes was no beter thē a kind of sacrifice to Idols: yet such as are not wholy deafe to the voyce of reason, may heare it protest, that as man is compoūded of flesh & spirit, so his spirituall goods are incōparably superiour to the corporall, and that riches are to be held of the meanest & lowest ranke, among all such benefits as God Almighty hath vouchsafed to mankind. For as those thinges which men haue any colour to account their owne,*

are eyther plenty of fortune, health of body, glory of reputation, or lastly the soule it selfe; so, who is he that will not empty his purse to recouer his health, or saue his life? What man of worth will not despise his life to preserue his honour? And who doubteth but that the respect of honour should yeild vnto the care which a man ought to haue of his soule? Hereupon may be grounded, amongst others, two apparent truthes; The one, that for the soule a man is to despise all other things; the other, that except the soule, there is nothing so deare as reputation. Now, if reputation be so precious, for as much as concerns the morall man, what accompt ought Christians to haue it in, since scandals are often giuen and taken, vpon the abundance or defect thereof; and sometimes vpon the credit of a few, dependeth the saluation of very many. The enemy of mankinde who knowes how true this is, hath continually laboured to rob Gods seruantes of so great a Iewell; yea and hath presumed to infame God himselfe, beeing made man for vs: sometimes tempting men to traduce him as a Coniurer, sometimes as a Samaritane, which did import a Schismatike, and sometimes as a trayterous and seditious person. The same stile he held with the Christians of the Primitiue Church, and we English Catholikes of this age, whose cause is the same with theirs, haue lyen groaning long vnder the same burthen, and felt with vnspeakable griefe, though with vndaunted courage, the poysoned arrowes of this kinde, which he hath keene dayly shooting into our sides.

Those

Those Aduersaries of our cause who beleeue in God but for fashion-sake, at least conceaue that it importes not after what fashion he be serued, think they do vs a fauour, when they call vs fooles, for exposing our selues to persecution vpon the differences of Catholike and protestant Religion. Such Protestants as in good earnest believe that Religiō, which they professe, are wont to traduce vs for superstitious and Idolatrous persons, vnder the pretence of our doctrines which concerne the Reall presence, and the reuerent vse which we make of Images: But they who vse their Religion no more then for a seruant, or rather slaue to their absurd reason of state, and know well inough that if they should persecute vs vnder the only title of Heretikes, they must be faine both to disclayme from the Society of al ancient Christians, and should be forced to deserue the censure of sauage cruelty, for presuming to condemne that faith, to which their auncestours and ours were conuerted from Paganisme: they, I say, are the men who giue out, that we are not vniustly persecuted for our religion, but iustly punished for our faction, disobedience, and treason.

For the painting ouer of which discourse, how many industries haue beene vsed; how many Iewels and Cuphordes of plate to forraine Princes & Ambassadours haue beene presented; how many crafty and cruell lawes haue beene at seuerall times procured & enacted; and lastly what a couple of daungerous and detestable Oathes, vnder the authority of the aforesaid lawes, haue with extreme rigour, & without di-

ſtinction of ſexe or age, byn propounded & exacted?

The firſt of theſe Oathes, is that of the Kings Supremacy, deuiſed heretofore by our Aduerſaries for the making of all Catholikes expreſſe Traytours, and executed for a while with great ſeuerity, though afterwardes they grew halfe aſhamed therof. And the vſe which it affoardes at this day, is chiefly to diſtinguiſh ſuch perſons, as adore the preſent ſtate of thinges, from others who are more indifferent: and ſo we ſee it is ordinarily miniſtred, but to ſuch, as either pretend to make Lawes by voice in Parlament, or els to cary Office in the Common wealth or Church. Alwaies that Oath ſerued rather to other endes, then to make diuiſion, or procure mutuall ſcandalls among Engliſh Catholikes, ſince we all agree in the cleere deteſtation therof; and for this later purpoſe, the other Oath, which is called of Allegiance, was ſet on foot, by the inſtigation of ſome Miniſters, immediatly after the powder-treaſon, as if euery one that did refuſe to take it, were guilty of that prodigious plot. Withall, it was couched in ſuch cunning and myſty termes, as ſome Prieſtes (yea euen ſince the Pope condemned it) haue not beene aſhamed to take it, and more lay Catholikes haue beene led on by their bad example. This action of theirs, hath implied a kind, of diſloyalty in them that refuſed the ſame; and the State hath not beene a little carefull to publiſh the brute therof, both within and without the Realme, to the extreme diſaduantage, and diſcomfort of all ſincere and ſolide Catholikes.

There

There hath not beene a greater meanes towardes the ſtrengthning of fowle aſperſions vpon vs, then the confidence which our Aduerſaries, the Miniſters, *haue vſed in proteſting, that we Engliſh Catholikes who refuſe the* Oath, *are controlled by many great parties of Chriſtendome, euen Catholike, where men would vndoubtedly (ſay they) haue taken ſuch an* Oath *as this, if they were required thereunto by their ſeuerall Princes. In particuler the example of* France *hath beene euery day obtruded to vs, as if the Catholike parte of that Kingdome were wholy of the Engliſh Proteſtant faith in this particuler: And although this vndertaking of theirs, were knowne to be impudent and moſt vntrue, by the induſtry of ſome Engliſh Catholikes, who informed themſelues of the* Sorbon, *which is the Diuinity Schoole of* Paris, *and found that it abhor'd the* Oath; *yet partly by the confident aſſeuerations of our aduerſaryes, partly by the corrupt beliefe in that point, which ſome one of the Ambaſſadours of that Countrey, reſiding heretofore in* England, *was faln to, and the flattering diſcourſe which for hope of reward he was wont to hold; ſo it is that the ordinary ſort of Proteſtants conceaued all this while, that* French *Catholikes were in this poynt agreeing rather with the Parlament in* England, *then the Church of* Rome.

But, God be praiſed, the curtaine is drawne at length, which heretofore hath parted the ſtage from the attyring houſe, and now the ſpectatours (who are as many of our Country, as can write and read)

read) may see that such as plead the Lartes of ciuill, rich, and religious persons, are many of them no better then insolent, beggarly, and lewd companions. This worke is performed in this Oration following (wherewith I haue thought it good to present the courteous Reader) composed and pronounced by that ornament of our age, the Cardinal of Peron; a man so well knowne to the world, for the great childes portion which the father of all good thinges hath allotted out vnto him, of incomparable learning, prudence, and zeale towardes the Catholique Faith. It pleased God by his meanes long since to conuert the last King of France from his erroneous beliefe; to make the said Cardinall, amongst others, an Instrument of compounding that busines of the Venetians, whereupon the peace of the Church did in some sort depend; and now this honour was only wanting to him, that he should be the meanes to restore one of the noblest members of the Church (for so we may without any vanity, to the glory of God, esteeme the English Catholikes, who with so admirable grace, and strength are stil swimming through the bitter waues of persecution) to the honour of only suffering for that faith, which other Catholike Countries do professe, wherof our Aduersaries haue studied so earnestly to deprive vs, whilest they say, the doctrine conteyned in the Oath of Allegiance is impugned by vs, out of singularity, or seditious humour, and that our next neighbouring Churches, of the same Communion, would acknowledge and confesse the same.

But

But I must not reflect so particularly upon the dignity of the Cardinalls person, and the extreme obligation which all good English Catholikes have to him, as thereby to neglect the setting forth of the aduantage which our cause hath got by his Oration. For although it were not a matter of small importance, if it had beene deliuered by himself but as a priuate man: yet it ought to receiue another manner of accompt, when it appeareth, that, as the stile thereof was ordered by his eloquence, and the sound thereof pronounced by his voyce; so also the substance and strength of it, did spring euen from the best roote of the whole Clergy of France, represented by those Archbishops, and Bishops, and other Prelates that assembled, and was both ioyfully receiued, and dewly allowed by the whole Nobility of France, assembled also and represented in like maner. Now to the end, good Reader, that thou may'st runne through with more facility, and be able with more sincerity to discerne of that which is conteyned in the Oration, I will make thee acquainted with the occasion thereof, and premise also some few other things, whereof perhaps thou art ignorant, and which may serue to settle thy iudgement straight in that which followeth.

The Parliaments in France haue no resemblance at all with ours in England; but are certaine sedentary and supreme Courts of Iustice, compounded only of Lawyers, who iudge without appeale within their seuerall precincts of Iurisdiction. Of these Courts there are eight in France, all independant on of

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another, though the Parlament of Paris haue a Country vnder it of greater extent, and by residing in that Citty, which is the ordinary habitation of the French Kinges, it hath growne to that kind of ambition and vsurpation, which some Patriarchs of Constantinople, and some Bishops of Rauenna haue been subiect to, in different causes, but vpon like occasions. That which in France doth answere the nature of our English Parlament, is the holding of the three Estates Generall, the Clergy, the Nobility, and the Communalty (which last is called the Third Estate;) but it is with this difference, amongst others, that they sit in three seuerall Chambers, whereas the two former of ours sit in one, and wheras, with vs, an Act is not presented to the King, vnles the maior part of both our Houses or Chambers do finde it good; in France if the maior part of two Chambers do resolue vpon any proposition, it is to go vnder the name of all the Three Estates, although one of them should dissent therin.

This supposed, I wil proceed to informe thee, courteous Reader, that the greater number of the deputies of the third Chamber in this last Assembly of the Estates in France, did conceaue, & frame the forme of an Oath, which they wished might be ministred in that Kingdome, as that which beares the name of Allegiance is in ours; whereby the same principall Article is obiured, namely, that no French King can be deposed, nor his subiects absolued from their obedience, by any Pope, for any cause whatsoeuer; and that the contrary opinion is Hereticall, and repugnant

pugnant to the doctrine of the Scriptures. But this difference is found betweene the two Oathes, that whereas the English one, in one of the clauses, seemes to exclude not only the authority of the Church ouer Kinges, but euen of the Cõmon wealth also (yea though it should be accompanied with that of the Church:) that of France shoues only at the abnegation of the Churches authority. Nor is there a man in that Kingdome who appeares to hold, that Kinges in certaine cases are not subiect to the censure of the Common wealth. And as for the Parliament of Paris in particuler, who knowes not, that diuers of that body haue now helped to animate the Prince of Condé and his complices, to take armes against the King and Queene of France, vpon the supposall which they make of the ill Gouernment of that Kingdome. But howsoeuer that case standes, this Oath was drawne by the Chamber of the Communalty, which in France is called the Third Estate, and reiected, as conteyning false and wicked doctrine, by both the Chambers of the Clergy, and Nobility, and consequently for the reason that I gaue before, by the Estate Generall. Some man perhaps amongst our English aduersaries may obiect, that notwithstanding the custome and stile of France doth beare that whatsoeuer is authorized, or reproued by any two of the Chambers, doth take the name of all the three, yet it makes exceedingly for the credit of our Oath of Allegiance, that they of the Third Estate in France, which is the greatest member of that body, should conspire in

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opinion with the Authours of our English Oath, though they be of a contrary Religion to the Protestant in other thinges, and esteemed the most deuout professours of it in that Kingdome. I answere that this argument may looke fayre a far off, but with such as know how thinges were carried, it will fall out to be of no force at all.

It is to be understood, that this Chamber of the Third Estate was wholy, in effect, compounded of Lawyers, (most of them belonging to the Court of Parliament of Paris) and certaine Officers of the Long Robe, belonging to the King, as Treasurers, Receauers, and such like: who commonly beeing the chiefest men of their Parish, are wont with such ease to procure themselues to be chosen deputies, as an English Gentleman of meanes and credit, can make himselfe in like case be made a Burgesse. By this meanes there were very few places in the Third Chamber, which were filled by Freeholders, or substantiall Merchants of those Cities and Prouinces, and therefore no meruayle, if vnder the name of the Commons of France, who are perhaps of the most pieus men of that Kingdom, (and whereof there was in this Assembly of Estates no more in effect but the name) this wicked proposition of a profane Oath did come to light, beeing conceaued partly by the Kinges Officers, (who crept into those places, expressly against the Lawes of France, and who make no scruple to flatter their King with faire words, vpon condition they may the more securely robbe him by other meanes)

meanes;) and partly by certaine other Lawyers, as hath beene ſaid, who vſe to be wel contcht to deliuer the King from all Tribunalls but their owne, and are generally the greateſt Libertines both in vnderſtanding and will, that perhaps the Chriſtian world is acquainted with.

This action therefore of the Third Eſtate being thus miſcompounded, need not make our Aduerſaries more inſolent then they were before; but much rather ought they to retract their former actions vpon a due conſideration of the proceeding, which was held in this buſines, by the Clergy and Nobility of France, of whome it cannot be pretended, but that they would gladly haue graunted to their King, whatſoeuer they could in conſcience. The Clergy I ſay of France, which dependeth more vpon thoſe Kinges by the exemptions of ſundry Popes, then any Catholike Clergy doth in Chriſtendome; and the Nobility of France which enioyeth not only more acceſſe, & other priuileges, but draweth more money in ſpecie by way of penſio from their King, without obligation to any particuler reſidence, or ſeruice, then any Nobility doth in Chriſtendome, whether it be Catholike, or other; wherin I will not except Spayne, for I know I need not. And when I ſhould ſay, that the French King diſburſeth yearly not much leſſe by way of penſio to his ſubiects of the Nobility, then the King of England receaueth yearly to his purſe all manner of wayes, I ſhould not let the Authour of a Paradoxe, for the ſume ariueth in ſight (beſides that which is vnknown) to vpon the point

of six hundred thousand pounds per annum.

The Oration it self doth follow at the end of this Preface, and therefore I enter not upon the particulers thereof; only the Reader, when he hath perused it, may be pleased to remember two thinges in generall conteyned therein. One, that the Oath is such, as that they of the French Clergie and Nobility will rather die then take it; the other, that there was neuer any French writer, since the faculty of Diuinity hath been taught in the Schooles of France (not excepting euen such as were the most earnest vpholders of Regal authority, & were required by the Kinges of their tymes, to defend the same by publique writing) who affirmeth Kinges to be indepasable by Popes in all cases. And whesoeuer any of them haue debated the point of the Absolution, which subiectes may haue from the Oath of Allegiance to their Prince, the cases of the Princes Heresy & Apostasy are always excepted; that is to say, in such cases, the subiects of a King, according to the iudgmēt of all Catholike French writers, may be absolued from the Oath of their Allegiance.

I tie not my self to the wordes, but the substance of these two propositions is cleerely deliuered by the Cardinall, in the name of the Clergy of France: which so long as the Reader shall keep in mind, it will make him (if he be a discreet Protestant) discerne with ease, how falsly his Ministers haue laid certaine seditious opinions to the charge of vs English Catholikes, and such (say they) as are not beleeued by the Catholike Countries,

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toyning to vs. If he chaunce to be a Precisian, he will haue reason to take compassion of vs Catholikes, whome he findes to agree in this with himselfe, and all the Calumnists in the world, that Kings may for some hideous crymes deserue to fall from their Royalty; though there be this difference betweene vs, that we hold the common Father of all true Christians, to be the fittest Iudge of such high quarrells, as fall out betweene his children (wherin also he is directed by the Canons and inuiolable Customes of the Church, in what sort, and by what degrees he must proceed) but they hold that Kinges are subiect to a kinde of popular iudgment, which is so much the likelier to be corrupt, as it is vsuall for the people whome they make the Iudge, to be a party. If he be a faint Catholike who hath brought his conscience to take the Oath of England, and to run dauncing round the may-pole of humane respectes, it will make him returne to the good company, which in that point he hath left, and fetch the blood into his face, when he considers that he beeing an English Catholike, who was wont to haue the honour to be so entire in the confession of his faith; hath need to be put in mind of his duty, by an action performed in France, where lenity and liberty are ordinarily so much in vse. If lastly he be a sincere and loyal Catholike, who doth choose rather to starue, then to straine his conscience, and consequently resolueth to be fat inough from taking the English Oath, he may giue God humble thankes for his infinite mercy, who besides the promise of future rewardes, for these pre-

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ſeuere ſufferinges, and the teſtimony of a good conſcience, which, euen in this life, is ſo great a Iewell as both the Indies cannot buy, hath vouchſafed to iuſtify him in point of ſpirituall reputation, by the teſtimony of that Nation, whoſe ſyncerity was called moſt in queſtion, and whoſe example hath been heretofore ſo impudently, though without controle, alleadged againſt him, and vs.

And though if we were ſure that our perſecution were to continue as long as the world: yet we ſhould know withall, that there is no proportion betweene the longeſt tyme and eternity; and that, the ſufferings of this life, though neuer ſo grieuous, are infinitly vnworthy of that glory, which is prepared for ſuch as keepe the Depoſitum of Catholike Faith vndiminiſht. But we are taught not only by the experience of former tymes, which tells vs of the periode of great perſecutions, euen then when there ſeemed to be leaſt humane hope therof; but alſo by that which we may haue obſerued by the paſſages of the late action of the Eſtates in France, how able God Almighty is, to make his greateſt enemies the liueliеſt inſtruments of his glory, in deſpight of their owne wicked hartes, and to make their endeauours, which came at the diſhonoring, and abuſing of his Church, to giue the greateſt contribution that could be wiſhed, to the Dignity, and Maieſty of the ſame.

Who knowes not, that the holding of theſe Eſtates in France, was purſued only, in effect, by certaine irreuerent ſemi-Catholikes, who loue nothing

thing leſſe then the ſplendour and vigour of Eccleſiaſtwall diſcipline, and iuriſdiction? Who knowes not, that as ſoone as the ſaid Eſtates were opened, that rotten member which tooke the name of the Third Eſtate, diſcouered that Canker, which hath been feeding greedily vpon it (eſpecially ſince the introduction of hereſy into that Kingdome) by plodding vpon ſome courſe, how to make an Idoll of the temporall power of Kinges, in reſpect of the reuerence due to Popes; and ſo far to abuſe the authority of the Apoſtolike Sea, as that they would redoubt it no more then a meere Scarcrow, or Chymera? And yet we ſee God hath fetcht the Treacle of which I haue ſpoken, from the poyſon that grew in the feſtred bowells of his Enemies; for if that French Oath had not been propounded by thoſe Lawyers, the contrary doctrine and beliefe of the Church of France, had not become proteſted by thoſe Prelates. Shall the prouidence therefore of God, be able to watch ſo fruitfully ouer the Catholike Church of France, and ſhall the narrow ſeas be broad inough to keepe him from ſhewing his power in England to our comfort, and the confuſion of ſuch as either know him not, or care not for him? nay rather let us learne by this, that when our perſecuting Miniſters do moſt conſpire our ruine, then ſhall we be ſureſt of Gods preſent help; & when the graue ſhalbe finiſhed wherin they hope to bury vs aliue, incident in foueam quam fecerunt, it is then that they are likelieſt to die in the ſame ditch which they made for vs.

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Courage

Courage therfore is that which we are to beg at the hands of God, who knowes not how to forſake, but ſuch as confide not in him. It was ſaid long ago by one who had no ſupernaturall aſſiſtance wherby his croſſes were to be aſſwaged, Si longus leuis, ſi magnus breuis: *but we haue infinitly more reaſon to aſſure our ſelues then he, that if our perſecution linger on, it wilbe lightned, if it increaſe it wilbe ſhortned. Nor ought we be without hope, but that it may be both ſhort and light, when his Maieſtyes Excellent iudgment ſhall haue obſerued (which in all likelihood he hath already done, by he enſuing* Oration *and other bookes) that his Catholi e ſubiects hold no other opinions in fauour of the Sea Apoſtolike, but ſuch as are common to thoſe Catholikes, that are accounted euen the moſt remiſſe in* Europe; *That there is no Proteſtant Church, which hath declared this propoſition to be true,* That a King can neuer be depoſed by any authority vnder heauen, nor his ſubiects be abſolued from the Oath of Allegiance, which once they made, for any incorrigible crimes whatſoeuer. *That on the other ſide, rebellions of ſubiects againſt their naturall Princes, haue growne familiar ſince Proteſtancy brake looſe, and haue been as it were hatcht by that ſect in* England, Scotland, Holland, Sweueland, Germany, Switzerland, Geneua, *and moſt often in* France, *wherof our hiſtories make particular mention. And he that ſhould not be able to read, or vnderſtand a booke, might ſee the matter verified euen at this*

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instant in the Kingdome of France, where the Prince Protestant of them all, is vexing his King by all the power he hath, either of credit, or other meanes, hauing drawne to his lure many others of both Religions: That, since his Maiesty hath been ill counselled and vrged by Ministers (amongst all whome there hath neuer yet beene any one good man of State) he hath gotten nothing lesse, then that they aymed at, which was, That Regall Authority, now that it is imployed in their defence, should be as superstitiously adored, as in Queene Maries dayes, both of England, and Scotland (when their religion receaued a check) it was irreligiously decried and disgraced. For now insteed of being held a kind of Diuinity vpon earth (which notion mens mindes were fitter for, before they were opened by such Oathes) they are growne to looke abroad vpon that light, which they were wont to be afraid would dazell their eies; and at last are come so neere vnto it, as that they touch and handle it, by the discourse of reason, and experience, which tell them, that Kingly Authority cannot come immediatly from God to any man, but by miracle: That all the Kinges whome we know, do either rule by force of conquest, and in that case the authority of the Common wealth if it be vsurped, may be resumed, or by Donation, Election, Marriage, or Succession of bloud, in which cases Kings forfait by not performing the conditions, vnder which either they, or their first auncestors did enter, whether they were expressed, or necessarily implied. Necessarily

I say

I say implied: for supposing, that a people who was without question the first owner of supreme authority vpon earth, should cause a King to governe them without obliging him in particuler to do this, or that, it were a Barbarous conceipt to thinke that it were in his lawfull power, to Tyrannize ouer them at his pleasure, without having respect either to their defence in time of warre, or the administration of Iustice in tyme of peace, for which only respectes they made him King. If this discourse be true in case of Kinges, even by the Law of Nature and of Nations; how much more shall it be so, amongst Christian Kinges, who in their Baptisme do their homage to the Faith of Christ; and at their Coronations do secure the maintenance of Religion, and Iustice, which are the conditions expressed, whereupon the progenitours of the most absolute Christian Kinges, were placed in their Royall Throane. These thinges, I say, are growne into the consideration of men, and strikes the reasonable part of their soules, with such an euidence and demonstration of truth, as no formulary of an Oath, though perhaps some feare, or fashion sake they may chance to accept thereof, will euer be able to wipe away.

Some questions there may be, betweene men of different Religions (as hath beene touched) to whom the iudgment ouer Kinges for their offences may belonge; some holding that this Iurisdiction resides in the Church, some in the Common Wealth, some in both together; and some others, either seuerall

rall opinions, which are not ſo much worth the ſpecifying; but all the Chriſtian Congregations of all Religions in the world do agree in this, that all Kinges for hideous crimes may fall from their dignity, and their ſubiectles may be abſolued from their Oath *of fidelity. Nay I haue not heard euen in* England, *where our* Oath *of* Allegiance *was enacted, nor in* France *where the like was offered, that when the generall propoſitions which were conteyned in both the formularies were well deduced into particulers, men would be drawne to ſubſcribe and ſweare thereto (otherwiſe then forced by feare) excepting only a few hypocritical Miniſters amongſt vs, or profane Lawyers amongſt our neighbours. But as God would haue it, neither the* Miniſters *in* France *are of that opinion (for they profeſſe the contrary) nor yet the* Lawyers *of* England, *if you put the caſe home to them: for howſoeuer it coſtes them nothing to ſweare, that the Pope can neuer come to depoſe a King becauſe he is a proteſtant; it would trouble ſome of their conſciences, if they haue any, to ſweare that if an Vpper and Lower houſe of the* Engliſh Parlament *ſhould condemne a King, who might happen to be ſo great a Tyrant, as that he would abrogate all the* Statutes *and* Common Lawes *of the Realme; bring in by force a ſummary courſe of Iuſtice, as is vſed in* Switzerland; *confiſcate all the Common Lawyers of* England, *who are able to ſpend aboue a thouſand pounds per annum; and in a word diſpoſſeſſe their wiues and children, as if they were his owne; it would trouble them, I ſay, to ſweare, that*

such a King might not be deposed by the Houses of Parlament, *and that themselues could not be so far discharged from the* Oath *of* Fidelity, *which they made to him when they were sworn: Iustices of Peace, as to make some personall resistance in their owne defence.*

There is nothing more certaine, then that many a man reades ouer the Oath *of* Allegiance, *and diuers take it, who consider not the importance of those fearefull generall clauses, which include and exclude all particuler cases of* No Pope, No King, neither by his owne, nor by any other Authority, for any cause whatsoeuer, can Depose or Absolue subiects &c. *And yet, as I said before, there are so many Protestantes, who by occasion of this* Oath *haue entred so deeply into the consideration of Kingly Authority, as it is euident (to all such as freely and familiarly liue with Protestantes, and vnderstand sincerely from them what they think) that thousands of them are growne to a lesse adoring conceipt of Royall Dignity, then they were wont to haue. And though his Maiesty can hardly come to know the preiudice that he hath susteyned by yeilding to them, who haue vnfitly sought to help him, or rather to help themselues by propounding this* Oath, *because he is a King, and cannot equally conuerse with his subiectes, (nor can he from his seruantes expect but such newes, as will be pleasing to him) yet it may be hoped for, at the Handes of so Excellent a Iudgment as his Maiesty is endued withall, that he will one day fall vpon the true ac-*

compt of theſe buſineſſes, by other meanes, and not cõtinue his Catholike Subiectes in his ſo ill conceipt, for profeſſing of that beliefe, which is now, in terminis, *auowed by the learned and noble Catholikes, euen of* France; *the contrary whereof is not auowed by any Proteſtant Church vpon earth (if we chaunge the name of* Pope *into the name of* Common wealth) *and the ſequele whereof hath done nothing but diſſeruice to him. I beſeech God, of his infinite mercy, giue his Maieſty ſuch light of mind wherby to diſcerne the diſtemperd thoughts of his* Miniſters, *who are in ſuch a rage againſt Catholikes, and to vs, that he will vouchſafe ſo much ſtrength of mind, as that whatſoeuer happeneth, we may rather obey God, then Man.*

AN

AN

AN ADVERTISMENT TO THE READER, translated out of the French.

THE Author of this Discourse vnderstanding that some had put in print two seuerall Speaches in his name, far differeng both in sense and wordes, from that which he by word of mouth deliuered, he was constrayned to bring this to light as an Antidot or Counterestand to those other. Neither did he much ponder to see such peeces of chaungeable colours clapt together, some true, some false, according vnto euery ones passion, without resemblance to the originall: for he doth thinke that no pen could follow, nor memory retayne two Speaches wherof the shortest lasted three houres, although swiftly pronounced. But he was much astonished at the liberty of this tyme, that within Paris (himselfe being present) any should publish two Speaches in his name without acquainting him with it, therby to vnderstand whither he would acknowledge them for his owne. It is true indeed, that he was not the only

man, who had byn ſo dealt withall: for ſome other Prelates had lyn handled after the ſame manner, and found as litle of theirs in thoſe remnantes beſtowed on them, as Euphorbus *in* Pithagoras.

Now therefore it doth ſuffice him to preſent thee with that he pronounced in the Chamber of the Third Eſtate. For that it was in a manner all one with that he made in the Chamber of the Nobility, the reaſons being the ſame, and no difference at all, but in the beginning, concluſion, and ornaments. By reaſon wherof the publiſhing of the one might ſerue for a generall remedy of the ſuppoſitions of the other two.

As ſoone as he had therefore ſignified to the Gentlemen of the Third Order, that being to ſpeake in their preſence, he thought himſelf obliged to make the ſame prayer to God, which Pericles was accuſtomed to do, being to ſpeake to the Athenians, that nothing might paſſe from him, who ſeeming thoſe that had imployed him, neyther of theſe that were to heare him, he directed his words to God, ſaying with the Pſalmiſt: Domine labia mea aperies, *and then began as followeth.*

Pſal. 50.

THE

THE ORATION.

IT had byn to small purpose (Noble Gentlemen) to honour the dignity of those that make profession to minister Iustice, It had byn to litle purpose that which *Aristotle* taught vs, by saying, *that Iustice is beautifull, and admirable like to the starre Lucifer*; and it had byn to as litle purpose to haue taught vs, that in iustice all vertues are summarily conteyned; And the answere of *Agesilaus* King of *Sparta* had byn vnto as litle purpose, which he gaue vnto the King of *Persia*, (who tooke to himself the title of the great King) *that he could not be greater then himself, vnlesse he could proue he were*

were iust. And that fable of the *Poets* had byn to as little purpose, *faigning Minos the Patron of iust Princes*, to haue byn the sonne of *Iupiter*: and that *Themis* and *Dicea* were placed on either side of *Iupiter*, if the Scripture did not teach vs that by iustice Kings do raigne; if the Sonne of God had not chosen him who was to be his figure, & called him *Melchisedech*, that is to say *King of iustice*; and that the same *Melchisedech* whose name doth signify, King of Iustice, had not been also King of *Salem*, that is, King of peace, to shew that of iustice dependeth peace, which is the mother of all good in heauen and earth. And seeing the oracles of diuine scripture agree in cõmendation of this vertue with the testimony of prophane authors, it seemes in giuing her the first place of honour and dignity amongst humane vertues, it to put in execution the will both of God and men.

Now *Gentlemen*, whether there were any Nation in which this vertue hath shined and beene flourishing, it is this in which we liue. I will not speake of the glory of the *Druides*, or ancient *Sacrificers*, in whose handes the *Gaules* had put the execution of iustice, with intent to make it sacred and venerable to the people by the quality of the persons that should exercise it; I omit the care and zeale our Kinges did beare to the practise of *Iustice*, themselues becomming ministers and distributers not only in their first and second recey but like-

wise in the third: To say nothing of the splendour of our Courtes of Parlament, and in particuler of this great, and high *Parlament of Paris*, wherof the reputation hath beene such amongst forraine Princes, that they themselues often made choyce of it for their iudge and arbitrator in causes of greatest importance. It shall suffice me to affirme of our Nation, that it hath euer beene so famous, and florished in the exercise of this vertue, that the very womē amongst the *Gauls* were hertofore esteemed better able to administer *Iustice*, then the men of al other Prouinces. For when *Hannibal* receaued and incorporated the *Gauls* in his Army (in his passage to the Conquest of *Italy*) it was agreed on, that if at any tyme there should arise any difference betweene the two Nations, if the *Carthaginians* were plaintifs, the verdict should belong to the Tribunall of the *Carthaginians*, resident in *Spaine*; and if the *Gauls* found themselus agrieued, the decision was referred to the *Dames of France*. And therefore (*Gentlemen*) our Kinges hauing assigned the keeping and disposing of this precious treasure in the hands and custody of your Order, it is not without cause that we honour and respect you, not only as ministers and interpreters of *Themis*, but as such her interpreters in the chiefest Tribunall she hath upon earth.

And now (*Gentlemen*) this *Themis*, this *Dices*, this *Iustice* itselfe, which teacheth you to

render to every one his due, inspired you likewise from the first meeting of the States, to render aboue all other things what you owe to God, to his Religion, and to his Ministers; making you thereby to imitate the example of those great Law-giuers and Sages the *Romans* your Predecessours, who carried so great respect to Diuine things, that although the Religion was false, yet notwithstanding because in this false Religion they pretended, as S. *Augustine* sayth, to honour the true Deity, it pleased the same God to recompence their zeale with temporall graces and benedictions, whereby they raysed their Empire aboue the cloudes. For then you gaue vs testimony by diuers Embassages, that you held vs for your parents, as the Pastours and Directours of your soules, and such as liued in continuall watchfulnes to render account of them to Almighty God. For the which we haue often times giuen you many and harty thankes. But that which did most assure vs, that you practised effectually what you gaue testimony of by words, was the last occasion which presented it selfe. For vpon the newes which was brought vnto you of a certain article touching the Seuerity of Kinges, intituled, a Fundamentall Law proposed to be resolued amongst your selues, wherein there was matter of Religion mixt with diuers other things, you were contented to be perswaded by the learned, and eloquent informations deliuered

render

you in our names by the *Archbishop of Aix*, and the Lord *Bishop of Mumpelier*, to communicate the matter with vs, and ioyntly to receaue our opinion therof.

For this cause (*Gentlemen*) the Eccleſiasticall assembly hath choſen & ſent me vnto you: Firſt to giue you thankes for the honour you pleaſed to do them heerin: then to let you vnderſtand their opinion concerning as wel the ſubſtance, as circumſtaces of your Article. And they haue eſpecially giuen me in charge aboue all other thinges to render you infinite thankes, and prayſe your zeale, in prouiding ſo carefully for the ſecurity of the life, and perſon of our Kinges; withall proteſting, that they all conſpire together with you in this thought, and extraordinary feeling of yours, and that from the bottome of their hartes and ſoules. For they lament, and ſhall neuer ceaſe mourning with teares of bloud, the tragicall, and deteſtable Aſſaſſinats, which haue wronged and defiled the memory of this age, with two ſo horrible parricides: and do find in themſelues ſo much greater obligation to haue their hartes pierced with this grief, by how much more they muſt acknowledge themſelues tyed with ſtrayter bandes, then any other Orders, to mayntayne and ſtand affected to the Sacred Perſon of our Kinges. I meane not to enlarge my ſelfe for the preſent in telling you, how God hath put into their handes the light of his word, to lighten

other

other orders, and how the Clergie muſt march formoſt and direct others, by doctrine and example in ſerving well and faithfully thoſe, whome God hath placed ouer his people: Only thus much out of meere humane conſiderations; There is no profeſſion ſo ſtraitly bound, in all fidelity and loyalty to our Princes, as the ſtate Eccleſiaſticall. For other ſtates come to offices, honours, and dignities of the realme, ſome of them, as the Gentelmen & Nobility, ar the deareſt rate of all other, with loſſe of their bloud, and peril of their lines; others, beſides their merit, by contribution of ſome part of their goodes, and commodities. But as for vs, we attayne them by the only grace and favour of our Kinges, without hazard or imployment of ought, either of life, goods, or honours. Neither by any other meanes (beeing as we are naked and vnarmed) can we enioy our quiet or commodities, but vnder the ſhaddow of the peaceable and proſperous affaires of the King, being otherwiſe expoſed as a prey to all ſortes of wronges and outrages. And therefore, what man of ſound iudgment can liue in doubt, but that we haue more intereſt, then any other in his conſeruation, in whoſe life, as within ſome fatall brand, all our liues and fortunes are comprized?

Wee therefore alike ioyne iſſue with you in this your zeale and feruency of paſſion, and do alike condemne, nay more if poſſible

may

may be, the perfidious butchery of those monsters, which dare aduenture on Sacred personages of Kinges. But with all desiring you to enter into consideration, that as the only lawes sufficient to restaine those who set at naught their liues, are the Ecclesiasticall which curbe those spirits, that contemne death with the apprehension of those paynes after death: So must we carefully take heed, not to insert any thing into those lawes, but that which is held for certaine, and vndoubted by the whole Church, for feare of disabling the authority of that which is certaine & infallible, by mixture of that which is doubtfull and in contention. For experience hath taught vs too well, that humane lawes only, and apprehension of temporall punishment can neuer serue for sufficient remedy to such euills, as proceed from a peruerse and corrupted imagination of Religion. We must haue therefore lawes of conscience such as work on our soules, and keep them in feare of eternall tormentes. Those who vndertake these detestable parricides vnder a false perswasion of Religion, are not kept back with any feare of corporall punishment; they bath themselues in tormentes with delight, they expect triumphes and Crownes of Martyrdome, they flatter themselues with false application of that sentence of our Sauiour, *do not feare them that can kill the body, but rather feare him that can send both* Mat. 10. *soule and body into hell*. So that to restrayne and

terrify this kinde of people, we must lay before them, not such lawes as are executed in this life, which they care not for, and thereby deprive other men of theirs: but of such lawes, whose rigour and severity are exacted after death, that is of lawes Ecclesiasticall and spirituall. The *Milesian* Virgins were possessed of so furious and prodigious hatred of their lives, that they ran voluntarily with great contentment to their deathes, they strangled, threw themselues downe headlong, and cut their owne throtes, the prayers and teares of their parentes not being able to hinder them. The Magistrates of the Iland oftentimes consulted, and made many decrees to stop the publick mourning, but none of their deliberementes tooke effect. For they despising and hating life, entred likewise into contempt of whatsoeuer was ended with life, vntill in the end seeing all other meanes to fayle them, agreed to publish a law, whereby all those which voluntarily made away themselues, should be drawne openly through the streets, & that stark naked after their death: Then the frenzie, which all these remedies applied during life could not cure, the apprehension of shameful punishment after death did remedy. The like is to be held of this fury, this rage, this madnes: there is nothing but the feare of paynes to be imposed after death: nothing but the apprehension of the paynes of hell: nothing but the horrour of e-

ternall torments, which are sufficient to cure their distemper, who thinke to immolate and sacrifice their liues to God, when they loose them, by putting in execution this horrible and abhominable enterprises.

Now the spiritual and Ecclesiastical lawes, are those only which can imprint in mens hartes the terrour of excommunication, and liuely apprehension of euerlasting torments. For to cause this effect, they must proceed frō Ecclesiasticall Authority, that is certaine, absolute, & infallible, that is to say vniuersall, and such as conteineth nothing wherein the whole Church doth not agree. For if they proceed from doubtfull and different authority, & conteyne such thinges whereof one part of the Church houldes one opinion, the head and other parties thereof teach another; those, in whose hearts they desire these thinges should take impression, insteed of houlding them for certaine and infallible, and therby to be terrified and swayed by their threats, fall to laughing at them, and hould them in extreme derision. And therefore we must take great head, I say once againe we must take extraordinary great heed, to mixe that which is in no sort to be doubted of in this Article, and that which the whole Church agrees on (that is to say, that no one without putting himselfe in danger of the diuell, and eternall death, may adventure upon the life of Kinges) with any

point in controuersy, for feare of weakning that which is vndoubtedly true, by ioyning it with some other thing which other partes of the Church do debate, and hould in dispute.

Three points there are in the substance of your Fundamentall Law, besides certain accessary pointes and circumstances. The first cōcerneth the security of Kinges persons, and in this we all agree, offering to seale it, not with inke, but with our bloud; that is to say, that it is not lawful for any cause whatsoeuer to murther Kinges: and not only with *Dauid*, do deiest the *Amalecite*, who vaunted to haue laid his handes on *Saul*, although reiected and deposed by God by the mouth of *Samuel*, but moreouer cry out aloud with the Sacred *Councel of Constāce*, against the murtherers of Kings, euen such as might be pretēded to be Tyrants; *Anathema*, to such as murther Kinges; eternall maledictiō to the assassinats of Kinges, eternall damnatiō on al such as murther Kinges. The second point is of the temporall dignity, and soueraignty of the *Kinges of France*, and in this likewise we agree. For we beleeue our Kinges are absolute in euery sort of temporall Soueraignty in their Realme, and that they are neither feudataries to the Pope (as some others who haue either receaued, or obliged their Crownes with this condition) nor to any other Prince; but that in the pure administratiō of temporall thinges they depend immediately

1. Reg. 11.

Concil. Constant. sess. 5.

of God and acknowledge no other power over them but his. These two pointes then wee hould for certaine and vndoubted, but in different manner of certainty; for the certainty of the first is diuine and theologicall, the certainty of the second humane and historicall. For that which Pope *Innocent* the (a) affirmes, that the King of *France* acknowledgeth no superiour in temporalities, is spoken by him in forme of historical testimony; and that certaine other Realmes (whereof he formes to wright (b) the same) haue since changed and bound themselues to some certain kind of temporall dependence vpon the See Apostolike; and that *France* remaynes in her prime estate, it is history and not faith that tells vs so.

(a) *Cap. per Venerab. Tit. Qui filij sint legitimi.*

(b) *Cap. causam tit. eodem.*

There remaynes the third point, which is this: Whether if Princes hauing made an oath to God, and their people, either themselues or their predecessors, to liue and dye in the Christian Catholick faith, and do afterwardes violate their oath, rebell against Christ, bidding him open warre, that is to say, fall not only to open profession of heresy, or Apostacy from Christian Religion, but shall passe to force their subiectes consciences, and goe about to plant Arianisme, or Mahomerisme, or any such like infidelity within their states, and thereby destroy and roote out Christianity; whether (I say) in this case their subiects on the other side may not be declared absolued from

from their oath of Loyaltie and Fidelity? And this comming to passe to whome it appertey-nes to pronounce this absolution?

This then is the point in controuersy betweene vs? For your article conteyneth the negatiue, that is to say, that in no case whatsoeuer the subiectes may be absolued from the Oath of Allegiance made to their Princes. As on the contrary side, all other partes of the Catholike Church, together with this of France, hold the affirmatiue propositio, which is, that when the Prince breakes the Oath he hath made to God and his subiectes to liue and dye in Catholique Religion, and doth not only become an *Arian*, or a *Mahometan*, but manifestly warr against Iesus Christ, in compelling his subiects in matters of conscience, and constraynyng them to imbrace *Arianisme* or *Mahometisme*, or any other detestable infidelity: That then this Prince may be declared fallen from his right, as culpable of felony towardes him, to whome he hath made the oath of his Realme, that is to Christ: and his subiects may be absolued in conscience, both at the Spirituall and Ecclesiasticall Tribunall, from the oath of allegiance they haue made vnto him. And that in this case, it belonges to the authority of the Church, residente either in her head the Pope, or in her body a Councell, to publish this

declaration. And not only all the other partes of the Catholike Church, but likewise all the Doctors who liued in *France* from the first setting vp of schooles of Diuinity amongst them, haue held the affirmatiue opinion, that in the case of hereticall, or infidell Princes, and such as persecute Christianity, or Catholike Religion, their subiects may be absolued from their oath of allegiance. By meanes wherof though the contrary doctrine were the truest, yet notwithstanding all the other partes of the Church being against it, you cannot hould it for more then problematical in matter of faith. I call that doctrine problematicall in matter of faith, which we are not bound to believe, by necessity of faith, and the contradictory therof doth not binde them that believe it with excommunication, and disunion or separation from the community. Otherwise you must acknowledge, that the communion which you exercise with the other partes of the Church, houlding the contrary doctrine, yea euen that communion which you conserue with the memory of your predecessours, was vnlawfull, defiled with heresy and excommunication.

And indeed those who take vpon them to defend the doctrine of the English Oath which is the patterne of yours, defend it for no other then problematicall, *Our intention* (say they) *is not to affirme the other opinion, as repugnant to faith, or saluation, it being defended and mayntei-* *VVidring. disput. de Iuram. fidel. cap. 3. sect. 19.*

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ned by so many & so great Deuines, whome God forbid we should go about to condemne of so great a cryme.

And therefore to include this clause vnder the same obligation of faith, vnder that very degree of excommunication, vnder the which we comprehend the condemnation of those which attempt the liues of Princes, is to fall into *some manifest Inconueniences*, which our Chamber hath giuen me in charge to lay before your eies. *The first*, is to force mens soules, and intangle their consciences, in bidding them to beleeue, and sweare vnder payne of excommunication, as doctrine of faith, and conformable to the word of God, a point of doctrine, the contrary wherof is held by all the other parties of the Catholike Church, and hath by neuer hitherunto, by their owne predecessours. *The second inconuenience*, is vtterly to ouerthrow the authority of the Church, and to open the gate to all sortes of heresies, to giue scope to lay men, without direction, or warrant either of generall Councell, or Ecclesiasticall sentence, to vndertake the decision of matters of faith, to determine pointes of Controuersy, and to pronounce openly what is conformable to the Scripture, what is impious and detestable. This then we say is to vsurpe the office of Priesthood: this is to stretch our hand to the Arke: this is to take the Censer for Sacrifice. In briefe, this is to commit the selfe same outrages, for which Gods male-

dictions

dictions haue iustly fallen long since on the vsurpers, as wel priuate persons as Kings themselues. *The third Inconuenience*, is to throw vs head long into euident and ineuitable schisme. For all other Catholike nations houlding this doctrine, we cannot declare it to be contrary to holy Writ, nor hould it for wicked and detestable, but therewithal we must renounce the cõmunio both of the head, and other partes of the Church: and therby confesse, that the Church for so many ages hath not beene the Church of God, but the Synagogue of Sathan: not the spouse of Christ, but the Diuells strumpet. *The fourth Inconuenience*, is not only to make frustrate the remedy, which men seeke in this peril of Princes, in weakning that which is held for certaine and vndoubted, by ioyning it to a thing contradicted; but withall insteed of assuring the life and estate of Princes, to put in great daunger both the one and the other, by meanes of wars and other mischances and disasters, which ordinarily schisme draweth after it.

These are (*Gentlemen*) the foure pointes our Company haue giuen me in charge to represent vnto you, which I will do my best to dispatch with all possible cleernes and facility, if you please to heare me with the like patience you haue hitherto continued, which I easily persuade my selfe you will, if you set before your eies the importance of the matter I am

heare to treate with you, which is the greatest at this present in Christendome. And besides; consider that it is not my selfe, whome you heare speake in this Controuerly. For it is not I who speake in this cause, but the whole body of the Ecclesiasticall Order, and all that of the Nobility adioyned vnto it, and which haue deputed these twelue Noble men, taken from the twelue Gouernementes in the Realme, of purpose to giue authority to my wordes with their presence, and withall to giue testimony in this present occasion, of the selfe same deuotion their predecessours haue euer borne the Church, which they haue planted by their Armes, and watered with their blood in the furthest partes of the world. And therfore I will no more enlarge my selfe in begging of you fauourable audience and attention; only let me intreate you, before I enter into the matter, to giue me leaue to make these two protestations, thereby to preuent certaine calumniations. The first, that when I say, those who hould the negatiue part, cannot hould it for other then *Problematicall*, I intend not to comprehend by the word *Problematicall*, that which concernes the condemnation of those parricides, who vndertake to kill Princes; for this I hould for a point of faith, and condemne the contrary opinion for heresicall, and guilty of all sortes of excommunication, and eternall punishment. The other, that it is con-

traire to my disposition; and full sore against my will, that I come to treate of these questions in such a time, when our Country is newly come out of many differences, and diuisions in State-matters, and is yet full of debates in matters of Religion, and haue refused this charge many times, euen with teares, knowing well how I was to imbarke my selfe in a sea full of rockes and perills, and to how many harsh contradictions and calumniations I should expose my selfe. But the publishing of Copyes of your Article (the bruit wherof was spred farre and neere) hath hindered vs from keeping it any longer secret; and the wound once discouered, the discharge of our Office bound vs to seeke a remedy.

NOw then Gentlemen (*concerning the first Fundamentall*) to lay the foundation of my discourse, not on pillars of gold, as *Pindarus* said, but on the firme pillars of History, and practise of the Church, the methode I will obserue, shalbe in prouing two things. The one, that not only all the other parts of the Church which are at this day in the world hould the affirmatiue opinion, that is to say, in the case of hereticall Apostataes, and persecuting Princes, the subiects may be absolued from their Oath of allegiance made to them or their predecessours: but also for these eleuen hundred yeares, there hath not been any one

age, in which this doctrine hath not by a beleiued and practiſed in diuers nations. The other, that it hath byn continually held in *France*, where our Kings, and particularly thoſe of the laſt race, haue defended it by their authority and armes; where our Councells haue vpheld and maynta ined it; where our Biſhops, and Scholaſticall Doctours, ſince the firſt inſtitution of ſchooles of Diuinity vntill our dayes, haue written, preached, and taught it; and where, to conclude, all our Magiſtrates, Officers and Lawyers haue followed and fauoured it; yea often times for crymes in matters of Religion, much more light then hereſy or Apoſtacy. Wherewith notwithſtanding I intend not to help my ſelfe, but where they ſerue to defend either the generall *Theſes*, that is to ſay, Whether in ſome caſes the ſubiects may be abſolued from the Oath made by them to their Princes; or this particular *Hypotheſis*, that in the caſe of hereticall Apoſtates, and perſecuting Princes, their Subiects may be diſpenſed withall in obeying them. To the end therfore to free you from all obſcurity, I will not oppugne your Article, but by thoſe maximes wherin our Doctours of *France*, who haue written in defence of Princes temporall authority, do all agree; conteyning my ſelfe notwithſtanding in the ſimple playne way of fact, without paſſing to that of right, the deciſion wherof appertaines not to this tyme nor place.

First

First then to begin with *Anastasius* who was made Emperour more then eleuen hundred yeares ago. When this Emperour *Anastasius*, an *Eutichian* heretike, tooke on him the Empire, *Euphemius* Patriarch of *Constantinople* would neuer acknowledge him for Emperour, vntill he had signed and subscribed with his owne hand to the Creede of the *Chalcedon* Councell. *Anastasius* (as *Victor Tunonensis* (a) an Author of that age hath left written) *vrged by the Bishop of* Constantinople, *was constreyned to promise vnder his hand, to attempt nothing that was sinister against the Apostolike Faith, and the Councell of* Chalcedon. *And* Euagrius: (b) *The Empresse* Ariadne *desirous to put the Imperiall habitan* Anastasius, *the Bishop* Euphemius *would neuer giue his consent, vntill he had giuen vp a profession of his faith, written with his owne hand, with grieuous and seuere Oathes.* And Theodorus Anagnostes faith, *that* (c) Anastasius *being declared Emperour by the Empresse* Ariadne, Euphemius *the Bishop made resistance,* (a) *calling him heretike and vnworthy to haue commaund ouer Christians. Notwithstanding the Empresse and the Senate, trayling* Euphemius *by force, did their vttermost to compell him: But he would neuer consent to any thing before he had drawne from him a profession by writing to imbrace the doctrine of the Chalcedon Councell.* And when the said *Anastasius* fell back contrary to his Oath vnto the *Eutichian* heresy, and passed further to persecute the Catholiks;

(a) *Victor. Tunon. in Chron. à Scaligero edito.*

(b) *Euagr. hist. Eccle. lib. 3. ca. 32.*

(c) *Theod. Anagnost. l. 2. collect. hist. Eccl.*

(a) ἀντίστη Εὐφήμεος ὁ ἐπίσκοπος αἱρετικὸν καλῶν, καὶ τῶν χριστιανῶν ἀνάξιον.

tholikes; Pope *Symachus* resisted him, & tooke vpon him the defence of the Church in these wordes: (b) *It may be thou wilt say, it is written, We must be subiect to all power. It is true, We acknowledge humane power, according to the degree therof, yet so notwithstanding, that it be not erected against God. But for the rest, if all power come from God, with much more reason, that, which gouernes diuine things. Beare respect to God in vs, and we will reuerence God in thee. But if thou honour not God, thou canst not claime priuiledge by him whose lawes thou cõtemnest.* And imediatly after: *Thou sayst that the Senate cõspiring with me, I haue excõmunicated thee: that which found lawfully done by my Predecessors, I haue without doubt followed. Thou sayest that the Senate of Rome doth treat thee ill; if we treat thee ill by inciting thee to leaue heretikes, can it be thought thou dealest well with vs, which wouldest throwe vs headlong into the society of heretikes?* And when he went about to distill the infection of his heresy into the Churches offices, and set his hand to the banishment of Bishops, not only the people of *Constantinople* were in commotion against him, and demanded another Emperour: but moreouer *Vitalianus* one of the chiefest Generalls of that age, hauing assembled a puissant army, went to present him battaile at the very gates of *Constantinople*, and would never agree to peace, but with this condition, That he should recall the *Bishops* whom he had banished from their seas,

(b) *Sym. in Apologet*

and

he should reunite all the Eastern Churches with the Romane. The Catholikes (sayes Marcellinus Comes) (a) demanded Areobindas for Emperour, and threw to ground the Images and statua's of Anastasius. And Cedrenus: (b) Anastasius going about to ioyne these words to the Hymne of the Church, who was crucified for vs, there was made a popular insurrection within Constantinople, the Citizens calling for another Emperour, whereby the Emperour being affrighted, put of for a time his heresie. And Victor Tunonensis: (d) Count Vitalianus the sonne of Patriciolus vnderstanding the subuersion of the Catholike faith, the condemnation of the Chalcedon Councell, the banishment of the Catholike Bishops, and the intrusion of heretikes into their places; he assembled a great army reuolted from the Emperour Anastasius, and ioyning battle with Patricius the Emperours Nephew & Generall of the Empire, he killed threescore and seuen thousand of the Romane souldiers, and tooke Patricius prisoner. And a little after: Vitaliamus being incamped at the gates of Constantinople, notwithstanding many demaundes of peace made to him by the Emperour, he would neuer hearken to any but with this condition, that he should call back the defenders of the Chalcedon Councell, who had beene cast out from their seas, and should reunite all the Churches of the East with the Romane.

(a) Marcel. Com. in chron.

(b) Cedr. in compend. hist. in Anastas.

(d) Victor Tunon. in chron.

And when Clotharius the first of that name King of France, that liued in the same age with the Emperour Iustinian, had slayne within the

Church

Church of *Soisson*, on good Friday in the time of the adoring the Crosse, * *Walter* Lord of *Yuetot* in *Normandie*; Pope *Agapetus* whome the Greekes call (a) *the Beloued of God and men*, did threaten him with his censures, if he did not make amendes for the outrage he had committed against Christian Religion. In satisfaction wherof, the King did erect the territory of *Yuetot*, with * the title and freedome of a Kingdome. Wherof besides the possession without interruption continued, and the perpetuall tradition of the Prouince, there were writinges made that very houre, the date, accordinge to the account of the yeare of our Lord, falling to be the same with the yeare 536. Which I alleadge not, as I haue before made protestation, therehence to inferre any particuler consequence from fact, to right, but to shew in generall how great reuerence our first kinges did beare to the censures of ancient *Popes*. *The Pope*, sayes du Haillā (b) *incensed with this cruell acte, sent word to the King, that he should make amendes for this fact, otherwise that his realme should be interdicted. Then Clotharius feeling remorse of conscience for his crime, did ordeine for amendes thereof, that from that time forward the Lords of* Yuetot, *and their heires should be quit from all homage, seruice, and obedience due to the King for the territory of* Yuetot *&c. And thereupon were the euidences drawne and sealed by the foresaid Clotharius.* And Gaguin (a) *I find as an infallible truth*

* *Gautier.*

(a) *Concil. Const. sub Men.*

* *En tiltre & condition de Royaume.*

(b) *Du Haillan en l'hist. de France l. 1.*

(a) *Gaguinus hist. Franc. l. 2.*

truth, that this was done the yeare of our Lord 536. *For the English hauing long time after dominion in Normandy, there fell out a suite, betweene Iohn of Holland Englishman, and the Lord of Yuetot, as if his territory had beene tributary to the King of England; the Lieuetenant of* (b) *Callis, after he had throughly in the yeare of our Lord* 1428. *informed himself of the case by order of iustice, did determine that he had found iust, as I haue noted before.*

(a) The word which the translator of Gaguin vseth, is Caletz, which signifieth as well the towne as the coast of Callis, the people wherof in old time were cal'd Caletes, and wherof one part is euen to this day called *le Pais de Caulx*.

And when Queene *Brunechilde*, and King *Theodoric* desirous to haue a confirmation of the priuiledges of the hospitall of *Autun*, which the said Queene had founded, and to haue the insuing Kinges bound by the authority of the Sea Apostolike, to conserue them inuiolable, without the least tuch of any sacriledge; the Pope S. *Gregory* the great, at their instance wrote these wordes in an Epistle to *Senator*, which is the tenth, in the eleauenth booke of his Epistles: (c) *We grant and confirme, ordeyning that no Kings, Prelates, nor any other of what degree soeuer, may in part diminish, or take away any thing bestowed on the said hospital, by the forcsaid most excellent Kings our sonnes.* And a litle after: *And if any one of the Kings, Prelates, Iudges, or other secular persons, after information giuen of this our constitution, do go about to contradict it, let him be depriued of his power and dignity.* For I wil not serue my self of those Buls of the Abbey of

(c) An absurd Author hath as fondly made answere, that this decree is not found in S Gregory: as it was absurdly answered that the

Excommunication of the Emperour *Theodosius* by S. *Ambrose*, was not to be found in the Ecclesiasticall History.

of *Soiſſon*, for that they were not inſerted within the Regiſter of S. *Gregories* Epiſtles, but were taken out of the Coffers of the Monkes of S. *Medard*, and put after the work at the end of the Regiſter, as appeares both by ancient impreſſions of the ſame Regiſter, and by the citation of *Pope Gregory* VII. (a) (who liued more then 500. yeares ſince) made of the Epiſtle to *Senator*, without ſpeaking of that of *Soiſſon*.

(a) *Gregor. 7. lib. 8. ep. 21.*

And when the Emperour *Iuſtinian* the 2. ſent his Conſtable to take Pope *Sergius*, and tranſport him from *Rome* to *Conſtantinople*, for that he would not approue the Councel falſely called the *Sixt*; the Imperiall ſouldiers of *Italy* oppoſed themſelues, droue back the Emperours Cõſtable with iniuries & reproaches. *Iuſtinian* the 2. (ſayes Beda (b) an Author of the ſame age) *being offended, for that Sergius of happy memory Biſhop of the Church of Rome, would not ſigne and fauour the erroneous Synod, which he cauſed to be held at Conſtantinople, ſent his Conſtable Zachary, commaunding him to take the Pope, and bring him to Conſtantinople: But the Souldiers of Rauenna, with the Prouinces adioyning, did reſiſt the impious commaundement of the Prince, and repelled the ſaid Zachary with contumelies, & reproaches from the Citty of Rome.* It is true indeed, that afterwardes the ſame *Iuſtinian* did waſh away this cryme, togeather with other his impieties, when as hauing gotten Pope *Conſtantine* into the Eaſt, *He threw himſelfe proſtrate on the earth*

(b) *Bed. de ſex ætat. mundi.*

(c) *be-*

(c) *before him* (saith Beda) *and praying him to make intercession for his sinnes, he did renew all the priuiledges of the Church.* (c) Bed. ib.

And when the Emperour *Philippicus*, successour to *Iustinian* 2. came to the Empire, and according to the custome of the Emperours (presently after their comming to the state) of sending the profession of their faith to the Pope, had addressed vnto him a profession of an heretical faith; the Pope reiected it in Synode, and vpon the refusal of it, the people of *Rome* abrogated the Emperour *Philippicus* his Imperiall titles. *Philippicus* (sayth (a) *Bede* and after him *Paulus* (b) *Diaconus*) *sent vnto Pope Constantine letters of peruerse doctrine, which the Pope together with the Councell of the Sea Apostolique reiected &c. And the people of Rome ordeyned, that neither the name, nor the edicles, nor the money that had the image of the heretical Emperour vpon it, should be admitted, or receaued.* (a) Beda de sex ætat. mundi (b) Paulus Diacon. de gestis Longob. lib. 6. cap. 4.

And at what time the Emperour *Leo Isauricus* fell into the heresy of the *Iconoclastes*, or Image-breakers, and began to persecute the Catholikes in the East; Pope *Gregory* the second after many dilations assembled a Councell of the Bishops of the West at *Rome*, by which he deprined the Emperour of all his rights, tributes, iurisdiction, and power Imperiall that he had in *Italy*, and all this with the aduise & assistance of the French. And though some Authors be silent herein, yet *Theophanes*, nerd

Cedrenus, & *Zonarus*, Greeke historians, affirme it, and none of them deny it. *The most holy Gregory*, sayth Theophanes (c), *withdrew Rome & Italy, and all the rights as well of the Republique, as of the Church into the west partes, from the obedience of Leo, and of his Empire*. *Zonaras* saith (d), *Pope Gregory seeing the persecutions of the Emperour Leo against the Catholikes, did cut off from communion with him the Bishop of Constantinople, and those who imbraced the same impiety, and exposed them together with the Emperour, to an Anathema Synodique, & forbad the tributs which til then had beene paid to the Empire, and adioyned himselfe with the French; whereupon they might take an occasion to make themselues maisters of Rome.*

(c) *Theop. in hist. miscel. lib. 22.*

(d) *Zon. tom. 3 Annal. in Leon. Isaurico.*

And when the French were resolued to abandon and forsake *Childerike*, and to substitute *Pipine* in his place, though the cause that moued them to remooue and make away *Childerike*, was his impertinency and his stupidity: yet in as much as it touched Religion by occasion, because *Childerike* his imbecillity & weaknes did put *France* in danger of falling from Christianity, (a) through the inuasion of the *Sarazens*, who were become possessed of all *Affrike* and *Spaine*, and had already many times ouerrun and wasted *France*, and that otherwise it rested vpon the absolution of an oath in matter of conscience: They would not in any wise yeild to do homage to *Pipin*, vntill the Pope had absolued them in the spirituall Tribunall, from

(a) *Orat. legat. Pipini apud Paul. Æmilium in Child. 3.*

their

their precedent and former oath they had made to *Childerike*. *Pipin* (saith Paulus Aemilius(b) after infinite other authors) *sent Burchard* Bishop of *Wirtzburg to Pope Zachary, for the abrogating & taking away of the obligatiō of the oath, by which the French were bound to Childerike.* And againe: *The Pope absolued the Frenchfrō the Oath they had made to Childerike, and they assembling the States did homage to Pipin, in quality of King.* (c) And the *Lord of Tillet* in his Memorialls, sayth: *To take away the note of periury and infidelity, it was thought best to send vnto Pope Zachary, Vegard Bishop of Wirtzburg, & Fulrad chaplayne of the said Pipine, for the obteyning of absolution vnto the said subiects, from the oath made vnto the said King Childerike, and of approbation of the election by them made of the said Pipin for their King. And this was accorded by the said Pope.*

(b) *Paul. Æmil. de reb. gestis Franc. in Child. 3.*

(c) *du Tillet en la vie du Child. 3.*

And when as againe, after the heresy of the Emperour *Constantine Copronymus*, and of *Leo* his Sonne, and the persecution that *Constantine* Sonne of *Leo* rayled against the Catholikes for his false marriage, *Charlemaine* became beloued, and potent in the West, and that it came to be vnderstood, that by the inconstancy of the Emperours of Greece, there was no more certainty at all for stability of religion in those prats of the East; Pope *Leo* the third absolued with effect, all their subiectes of the West from their fidelity, declaring *Charlemaine* Emperour of the West in their place.

(a) Zonar tom. 3. Annal. in Iren. & Constant.

The French, sayth Zonaras, (a) made themselues Lords of Rome, Pope Leo hauing crowned Charles, and called him Emperour of the Romans: And Theophanes: (b) The Pope to requite Charles, crowned him Emperour, And Eginard Chancelor to Charlemain saith: (c) our Charles in the beginning had such an horrour at the title of Augustus, as he affirmed, if he had vnderstood the Popes intension, he would not that day haue come to the Church, notwithstanding it were a solemne festivity. And the Lord of Tillet in his Memorials sayth thus:

(b) In hist. miscell. 22.

(c) Eginard. in vita Caroli magni.

(d) du Tillet en la vie de Charlemaine.

(d) Charlemayne was King of all France, by the half wellneere augmented and increased by him, and after that by Pope Leo crowned the first Emperour of the West.

And when King Charles the Simple meant to vse the help of the Infidells, and to bring in the *Normanes*, who were Pagans & Idolaters, into the Christian Countries of the French, to make warres against his enemies; *Foulques* Archbishop of *Rhemes* threatned him, that he would renounce the fidelity he ought vnto him: (e) Who is he, quoth he, who being faithfull vnto you, as he is bound, hath such an horrour, what you desire the amity and friendship of Gods enemies, and haue a will, to the detriment and ruine of the name of Christ, to receaue and admit the armes of the Infidells, and detestable alliances with them? And a litle after: It were better you had neuer beene borne, then to haue a will to reigne by the protection of the Diuell, and for you to be assistant vnto

(e) Frodoard. hist. Eccles. Rhemens.

them, whome you ſhould moſt eagerly oppugne. Wherfore know you, that if you ſo do, and condeſcend to ſuch counſells, you ſhall never haue me loyall and faithfull to you: and I will further withdrawe from your fidelity all that I ſhalbe able: and I, togeather with my fellow Biſhops will excommunicate you, and your complices, and adherentes, and condemne you with a perpetuall curſe, in place of the fidelity I beare vnto you.

And when King *Philip* the firſt in the beginning of the laſt race forſooke *Bertha* his wife, daughter to the *Count of Holland*, and tooke in place of her *Bertrude*, wife of *Fouques* Count of *Anjou* yet liuing, (matter that concerned the violating of a Sacrament, and not of the breach of one Sacrament by ſimple adultery, which had beene a crime of manners, but by the ſuperinduction of another Sacrament, and by a publique profeſſion of making it a matter lawfull in keeping, euen in the ſight of his whole realme, the wife of another man ſtill liuing, in his Royall bed, and in title of Queene and his Spouſe, in place of his owne wife yet alſo aliue, when as the precedent mariages had not by the Church been declared to be of no validity, which was a cryme acompanied with hereſie:) *Pope Vrbane* notwithſtanding he was to contend with an *Antipope*, reprehended the King, and after many admonitions, perceiuing his pertinacy and obſtinacy, excommunicated him in a Councell of almoſt

300.

Berthold. ad ann. 1095.

500. Bishops, assembled at *Clermont* in *Auuergne*, and interdicted his Realme. And Pope *Paschal* after him did the same! *At the Councell of Clermont*, sayth *Malmesbury*, (a) *the Pope excommunicated Philip King of France, and all them who called him King and obeyed him, or spake vnto him, if it were not to correct him.* And Iuo (b) of *Charters*, writing vnto the same *Vrbane*, sayth: *They will menace and threaten you, that the King and his Realme will depart from your obedience* (that is, *will passe to the obedience of the* Antipope) *if you restore not the Crowne to the King, and absolue him from the excommunication.* And the Lord of *Tillet* sayth (c): *In the yeare* 1100. *Iohn and Benedict Cardinalls and Legates of Pope* Paschal *the second, sent into France, assembled the Prelates at Autun, at* Valence, *and at Poictiers, and after hauing admonished the King to take the said Queene* Bertha *againe, and to leaue* Bertrude, *excommunicated them, and interdicted the Realme. Whereupon the said King was moued to indignation: But in conclusion he obeyed.*

(a) Guil. Malmesb. lib. 4. c. 2. in Guil. 2.

(b) Iuo Carnot. ad Vrban. Epist. 46.

(c) Du Tillet en la vie de Philip. 1.

And when the Emperour *Henry* the fourth who liued at the same tyme with *Philip* the first complayned a while before Pope *Gregory* the seauenth, for hauing absolued and discharged his subiectes from the Oath of fidelity; he reproached him that he could not doe it, for that he had not committed any errour in faith, and that the tradition of the Fathers, (obserue the tradition of the Fathers, to giue to vnderstand

that

that it was not then any new inuention, or deuise) did warrant, that he could not be deposed, if he erred not in faith: (d) *The tradition of the Fathers*, saith the Emperour, *hath taught that I ought to be iudged by God alone, and that I could not be deposed for any crime, so I declined not from the faith, which is not pleasing vnto God.*

(d) *Epist. Henr. 4. ad Greg. 7. à Protestant. edita, vnà cum alijs: Refertur à Centuriat. Cent. 11. c. 8. de Schismate.*

And when *Philip Augustus*, the litle sonne of *Philip* the first, was fallen into the like contempt and dislike of his wife *Engeberge* sister to the King of *Denmark*, that his Grandfather was of his wife *Bertha*; and had caused his mariage to be dissolued & disaunlled by Cardinal *William* his vncle Archbishop of *Rhemes* and Legate in *France*, in preiudice of his former mariage, he tooke to wife the daughter of the Duke of *Morauia:* The Pope thereupon tooke notice of the matter, as of the violating and transgressing of a Sacrament vnder pretence of religiō. And seeing the resistāce that the King made, he excommunicated him, & interdicted his Realme: (a) *The sentence of Cardinall William was* (sayth the *Lord* of *Tillet*) *reuoked by Pope Innocent the third, as giuen without order of iustice. And because the King presently after the sentence giuen holding himselfe vntied and free, married Agnes daughter of the Duke of Morauia, the King and the Realme were interdicted.* And hereunto the Cronicle of *Foiz*, cited by *Vignier*, hath addeth, (b) *That during the time of this interdict, they did put in France to the publique*

(a) *Du Tillet en la vie de Philip. Auguſt.*

(b) *Vigimer liure 3. de l'hist. de Prance en l'anne 1200 en la Biblioth. hist. pag. 3.*

contracts, not in the raigne of Philip, but in the raigne of Iesus Christ.

(c) *Act. int. Bonif. 8. & Phil. Pulch. fol. 91. p. 1.*

And when *Iohn* King of *England*, who was not yet at that time obliged by any temporall acknowledgment to the Pope, (c) had driuen the Bishops out of his Realme, and seized vpon their goodes, the same King *Philip Augustus* held an assembly of his Estates at *Soyssons*, where he proposed to make warre vpon the King of *England*, for that he persecuted the Church, and for that the *Pope* had discharged and absolued his subiects from their oath of Allegiance to him: (d) *The King* sayth *Du Haillan* (notwithstanding he be an historiã very passionate against the Popes) *at the intreaty of the Pope, at Soyssons held an assembly of the Prelates and Peeres of his Realme, to take aduise, and consult about the meanes, how he might passe ouer into England against King Iohn, to make war vpon him, as a persetuer of the Church, whome the Pope had then excommunicated, acquiting, taking away, and discharging his subiectes of the Oath of allegiance they did owe vnto him.* And a litle after, *The greater part of the Nobility were of opinion, that he had iust cause so to do, as well being thereunto moued, by authority of the Pope, as for the reestablishing of the Bishops, and other the Prelates in their Churches, from which they had beene thrust and driuen out by Iohns Tyranny, whome the Pope had excommunicated. And againe all the Nobility with one accord promised* Augustus

(d) *Du Haillan li. 10. de l'hist. de France en la vie de Phil. Aug. Rigard. lib. de vita Phil. Augadan, 1212.*

stus *to serue him with their owne persons in this enterprize*, Ferrard *the Count of* Flanders *only excepted*.

And when the Emperour *Otho*, nephew of the said *Iohn* King of *England*, meant to take his part, and to make warre vpon *France*, the said *Philip Augustus* sent vnto the Pope to sollicite and moone him to declare *Otho* depriued of all the rightes of his Empire: and for the execution of this censure he bestirred himself, and vsed his courage and his Armes so effectually, as vnder the conduct and fauour of the Popes cause and quarrell, he wan the greatest battayle that euer King of *France* had gayned against any Emperour, to wit, the battayle *du Pont de Bouuines*, where the Emperour had aboue an hundred and fifty thousand fighting men. *The King*, sayth du Haillan, *aduertised of the threates of the Emperour Otho, vsed such expedition in the businesse, and wrought so effectually with the Pope, as he declared the said Otho enemy of the Sea of* Rome, *and depriued him of his Imperiall titles. And the Electors of the Empire, at the sollicitation and incitement of* Augustus, *who sent to them Ambassadours to make his way, elected and chose* Frederike *the King of* Sicily *Emperour*. And a litle after he putteth downe King *Philip* his speach to his army in these wordes. *My Friends*, saith the King, *let vs take good courage: Let vs not be afraid: Let vs haue honour before our eies, and the feare of God in the first place, to whom*

Du Haillan la mesme. Rigard. ibid.

Du Haillan ibid. Rigard. ibid.

we muſt recommend our ſelues. We haue to fight againſt an Enemy condemned, cenſured, and excommunicated by the Church, and for his impieties and wickednes ſeparated, and cut off from communion with the faithfull.

And when *Reymond* Count of *Tholouſe*, and the greater part of *Gaule Narbonoiſe*, became to be infected with the hereſy of the *Albigenſes*, & began to perſecute the Catholikes, there aſſembled firſt a Councell of *French* Biſhops at *Montpellier*, (a) and after that, the Councell of *Laterane*, for hereſy, depriued both him and *Reymond* his ſonne of the County of *Tholouſe*, and adiudged it to *Symon* Count of *Montfort*, who had taken armes againſt him, (and of this came the vnion of the County of *Tholouſe*, and of the adioyning Prouinces to the Crowne of *France*:) *By decree of all the Councell of Laterane* (ſaith *du Haillan* (b) whom I do often cite becauſe it is euery where in the handes of all) *Reymond the Count of Tholouſe, & his ſonne alſo named Reymond were excommunicated &c. And the County of Tholouſe was adiudged to Symon Count of Montfort.* And againe: *Simon ſhewed vnto the Eſtates of the County of Tholouſe, the decree of the Councell, by which he was declared Count of the ſaid County. And there oppoſed not any one againſt it, but all with one accord tooke the Oath of fidelity to him.* And the Lord of *Tillet* ſaith in his Memorials theſe wordes: *The County of Tholouſe came to the King by*

(a) *Hiſtoire Albigeoiſe rapportée par Vignier en ſon hiſt. de France liu. 3. en l'ann. 1214.*

(b) *Du Haillan en la vie de Philip Auguſt. Rigard. ibid.*

En la vie de Louys 8.

by good right, the said Reymond and his Father being confiscated, that is to say, hauing lost it by confiscation for heresy; and Symon Count of Montfort *hauing procured and gotten it, and* Amaulry *his Sonne hauing transferred, and made it ouer to the King: he was so gratious to the said Reymond by the treaty of peace, as to restore it vnto him conditionally, that it should returne to the said King if his said only daughter had not issue by* Alphonse *of France the Count of* Poittou.

And when the same vniuersall Councell of *Laterane* (which may worthily be called the most Vniuersal Councel, for so much as besides the Pope, and the foure Patriarkes of the East, who were there present, some in person, as the Pope, and the Patriarkes of *Constantinople* and of *Hierusalem*, and the other by their legates, as those of *Alexandria* and of *Antioch*, there were seauenty Archbishops, 412. Bishops, and more then 800. Prelates: and more then this, all the Monarches and Kinges of Christendome were there assistant, eyther by themselues, or by their Ambassadours, and the Emperour of the East, the Emperour of the West, the King of *Hierusalem*, the King of *France*, the King of *England*, the King of *Arragon*, the King of *Castile* and others:) When the Councell, I say, intended to prouide for the extirpation and rooting out of the Reliques of the *Albigenses*, it ordeyned, that the Princes, who should become contemners of the Councell, that condemned

Math. Paris. in Ioan. ad an 1215. Magdeburg. Cent. 13. cap. 9. de Synod.

demned the *Albigenſes*, ſhould be depriued of the obligation of their ſubiectes fidelity towardes them. And this I remember not for an example to diſturbe or trouble the publique peace and tranquillity, ſith the Heretikes be in ſo great a number, as they make a notable part of the body of the Eſtate: but to ſhew that we cannot hold that for hereticall, which was pronounced and decreed 400. yeares ſince by the mouth of the Vniuerſall Church.

For as touching them, who for the fruſtrating of this decree do alleage, and cite (a) what *Platina*, and after him the (b) *Supplement* of the Chronicles affirme, that the Councell propoſed many thinges but reſolued nothing, they are more worthy of pitty then anſwere. For who ſees not, that thoſe Authors there ſpeake of the preparatiues of the army for the warre of the holy Land, and not of matters of Doctrine, or Eccleſiaſticall diſcipline? Otherwiſe a man ſhould impugne as falſe, that therin was reſolued the Article of *Tranſubſtantiation*; the Article of the Proceſſion of the holy Ghoſt, of the Father, and of the Sonne; the precept of annuall Confeſſion to all the faithfull; the condemnation of the errours of the *Abbot Ioachim*; together with all the writinges of the Schoole Doctours alleaging theſe things; the practiſe of all the Iuriſdictions of *France*, followed in the ſearching and finding out of heretikes. We ſhould impugne of falſity the Decretals

(a) *Plat. in vita Innocen. 3.*

(b) *Suppl. Chron. l. 23. ad an. 1215.*

Decretals of *Gregory* the *ninth*, compiled twelue yeares after the Councell of *Laterane*, where that decree is repeated at length, vnder the title of the Councell of *Laterane*; the writings of *Matthew Paris* (d) a Writer of the ſame age, and a great enemie of the Popes, who ſayth, *that the Councell of Laterane made* 60. (*you muſt reade* 70.) *Decrees*; the Bul of Pope *Clement* the 5. in fauour of King *Philip* the *Fayre*, who returned the readers to the decrees of the *Laterane* Councell; & the *Centuriators* alſo, (a) who inſerted all the 70. Articles of the *Laterane* Councell into their Centuries. Finally we ſhould impugne of falſity the coniunction of the County of *Tholouſe* to the Crowne, which was founded vpon that Councells Decree; and the reaſons and declarations of the Court of Parlament to King *Lewis* the Eleuenth, touching the extinguiſhing of that pragmaticall Sanction or Decree, where the Court prayeth the King to order the Elections according to the Councell of *Laterane* in theſe wordes: *In the Councell of Laterane* (ſaith the Court) *which* (b) *was aſſembled & held at Rome by Pope Innocentius the third, in the yeare* MCCXV. *where were aſſiſtant and preſent* 1333. *Prelates; there was preſcribed a certaine forme of Election, and thereunto was annexed, that in caſe of the Electors negligence, the right and power of prouiſion for the Church, ſhould fall to the Superiour Prelate, Cap.* (c) *Quia propter. & Cap.* (d) *Ne pro defectu*. But I haue made to far a digreſſion; let vs

(c) *Decret. Gregor. l. 5. tit. 7. de hæret. c. 13. Excommunicamus*

(d) *Math. Pariſ. in Io. ad. ann.* 1215.

(a) *Acta inter Bonif. 8. & Philip. Pulch.*

(b) *Refertur à Biblioth. lib. 4. decret. Eccl. Gall.*

(c) *Conc. Lateran. c.* 24.

(d) *Ibid. c* 23.

vs returne to our Hiſtorie.

Wherefore when the Generall Councell of Lateran, which repreſented all the Chriſtian Common wealth, both ſpirituall and temporall, meant to prouide for the extinguiſhing of the reliques of the *Albigenſian* hereſy, it conceaued, made, and publiſhed this (e) Canon: *If any Prince neglect in his landes and territories to extirpate the hereſy of the Albigenſes; let him be excõmunicated by the Archbiſhop of the Prouince: And if he continue obſtinate; let it within the ſpace of one yeare be ſignified to the Pope, that he may abſolue his ſubiects from their Oath of fidelity.*

(e) Conc. Later. c. 3.

And when Pope *Innocentius* the 4. did at the Councell of *Lions*, abſolue the Subiectes of the Emperour *Frederike*, from the fidelity they owed vnto him (I diſpute not now whether iuſtly or vniuſtly, for ſo much as my ſcope, drift, and intention is not, but to ſhew how the Kinges of *France* haue in ſuch occaſions carried themſelues) the King S. *Lewis*, took vpon him the protecting of the Popes cauſe againſt the Emperour. *The King of France* (ſaith *Paulus* (a) *Æmilius*) *being come to Lions, by zeale of office & of Religion, for the aſſiſting of* Innocentius, *and hauing made a proteſtation, that both himſelf, & his forces, and the Counſel of his Realme were ready to maynteyne, & defend the power and authority of his Holines, added ſtrength and dignity to* Innocentius *his cauſe.* And euen thoſe, who to make the Pope & the king *S. Lewis* odious, write that the

(a) Paul. Æmil. in vita S. Ludouici.

Pope

Pope offered to cauſe *Robert* Count of *Artois*, the Kinges brother, to be elected & choſen in place of *Frederike*, but that the *Barons* of France refuſed it; add that the Barons themſelues proteſted, that the Emperour could not be depoſed, if he erred not in faith. You ſhall heare the *Barons* wordes, be they true, or be they faigned, deliuered after many inuectiues againſt the *Pope*, by *Matthew Paris* an Engliſhman, (b) who fauoured the Emperour, & was the *Popes* heauy enemie, and taken out of him by *Vignier*, (c) who yeilded not a whit vnto him in that behalfe. And thus he ſayth: *But to the end we may not ſeeme to contemne the Popes commandement, though it be euident that it came from the Church of Rome, more vpon hatred to the Emperour, then for a loue to our Nation; we will ſend men of prudence on our part to the Emperour, who ſhall diligently informe themſelues what conceit he hath of the Catholike faith, and therof ſhall make a report vnto vs. And in caſe they find not any thing but ſound, wherefore ſhould we diſquiet him? But if otherwiſe, we will perſecute both him, (a) and the Pope himſelfe, if he beleeue not in God aright, or whome ſoeuer beſides, to the very rooting out of the memory of them.*

(b) *Matth. Pariſ. in Hen. 3. ad an. 1239.*

(c) *Vignier en la 3. p. de la Biblioth. hiſt. l'an. 1239.*

(a) *Ceſt addition (and the Pope himſelf) ſent le ſtile de l'Anglois. & non celuy des Barons de S. Louys.*

And when *Peter* King of *Aragon*, beſides much intelligence, and correſpondence he interteyned with the Infidels, had cauſed the feſtiuity of *Eaſter day* to be violated, by the horrible maſſacre of the *Sicilian* Euenſong;

Pope Martin the 4. ſaith *Paul Æmilius*, (b) and *du* (c) *Haillan* after him) *acquited, and abſolued the Aragoniams of the Oath of fidelity they had made to the ſaid Peter.* And *Philip*, ſurnamed the *Hardy*, Sonne of the ſame *S. Lewis*, and Father of *Philip* the *Fayre*, tooke armes for the execution of the Popes cenſure, & died in executing of it. But I inſiſt the leſſe vpon this example, becauſe though there were ſome cryme of religion intermixed with the motiues of the cenſure : yet there wanted not many temporall reſpectes and cauſes: I only alledge it to ſhew how far off the Kinges of *France* were from holding, that it was contrary to the word of God, and impious and deteſtable to thinke, that in certaine caſes the ſubiectes might be abſolued from their fidelity and allegiance, ſworne to their Princes, ſith they became thẽſelues the executors, and reputed ſuch actes amongſt the chiefeſt workes of their piety. For the defendors of (d) *Philip le belle*, haue put this example amongſt the meritorious workes of the Kinges of *France*. *Philip his Father*, ſay they, *ended his life, and went to God proſecuting in Aragon the Churches quarell.*

(b) Paul. Æmil. in Philip. 3.
(c) Du Haillan l. 12. de l'hiſt. de France.
(d) Act. inter Bonif. & Phil. Pulch. fol. 80. pag. 2.

And when the Pope *Vrban* the fifth had excommunicated *Peter* the *Cruell* King of *Caſtile*, *For that*, ſaith *Froiſſart* (a) an Authour of the ſame tyme, *he was an* (b) *heretike, a perſecutor of the Church, & conſpired with the Moores* (*ſome adde* (c) *an abnegatour and abiurer of his Chriſtianity*)

(a) Froiſſart vol. 1. cha. 230.
(b) Bulgaret en Froiſſart ſignifie, Albigeois, an heretike.
(c) De Serres.

nity) and had diſcharged his ſubiectes of the Oath of their fidelity: King *Charles* the *fifth* aſſiſted the Popes cenſure with his armes, and ſent his Conſtable with an Army to driue *Peter* out of *Caſtile*, and to put *Henry* the Baſtard of *Caſtile* in his place. *The King of France*, ſaith *Froiſſart*, (d) *was very glad of this ordination and decree, and laboured and effected that Monſieur Bertrand du Gueſclin was ſent to the Finance.* And *du Haillã* ſaith: *Charles* (e) *the fifth King of France relying vpon the interdict laid by the Pope vpon the Realme of Caſtile, & vpon the right by him giuen to the Baſtard, ſent forces of the French for his ayde and ſuccour, vnder the conduct and charge of Bertrand du Gueſclin newly returned from his priſon.*

(d) *Froiſſ. en l'hiſt. de Fran. 1. volum. c. 230.*

(e) *Du Haillan en la vie de Charle 5.*

And when the Coñcell of *Conſtance* (which all the Parlamentes of *France* imbrace, and receaue, as the *Palladium* of liberties of the Church of France) was aſſembled and held, for the taking away of the ſchiſme that was betweene the three Popes, conteſtating and ſtanding for the Popedome; & that the Emperour *Sigiſmund* tooke vpon him the charge of going in Embaſſage in behalf of the Councell to *Pope Benedict* the 13. into *Spayne* (a iourney vndertaken for a reunion, and taking away of the ſchiſme of the vniuerſall Church, & wherunto none might cauſe any impediment or let, without declaring himſelfe an enemy of Chriſtian religion) the ſafe conduct that the Counceli gaue him for his ſecurity of paſſage through the

(a) *Concil. Constant. sess. 27.*

landes of other Princes and Potentates, was cõprised in these wordes: (a) *If any King, Cardinall Patriarke, Archbishop, Bishop, Duke, Marques, Count be any hinderance, or let vnto him; let him be depriued of his dignity, be it Secular or Ecclesiasticall.* And this, *Gerson* Chancelour of the vniuersity of *Paris*, and the Kinges Ambassadour, and all the Bishops deputed of the Church of *France*, being present and consenting.

And when the Councell of *Basil* consisting for the greater part of French Bishops, and which the Parlamentes hould for another Bulwark of the Church of *France*, meant to propose a perpetuall example of direction & discipline to posterity, it caused the same Actes of the Councell of *Constance* to be published anew, and with the very same wordes. And not only the Councell in generall, but also the Doctours in particuler, who haue liued since the Diuinity which we call *Scholasticall*, hath been instituted, and namely those who haue beene Frenchmen, or haue written and taught in *France*, haue all held & auerred this doctrine.

(b) *Alexand Halen. p. 4. quæst. 10.*

(c) *Hugo de S. Vict. l. 2. de Sacram. p. 2. c. 41.*

(d) *Durãd. Mimat. in Speul. l. 1. tit. de leg.*

I will not speake of them who haue more exalted and extended the Popes power, as *Alexander de Hales* (b) an English Doctour; but who read and taught in *Paris*, *Hugo de* (c) *S. Victore*, an Almaine, yet a Doctour and Abbot of *Paris*; *Durand* Bishop of *Mande*, (d) surnamed the *Speculatour*; *Durand* (e) Bishop of *Meaux*; Peter Paludanus (f) Patriark titular of *Hierusalem*

lem; (g) *Heruey*, and others: But I will speake only of them who haue specified the case of herely, or of Apostacy, and namely of S. *Thomas*, who for hauing taken the degree of Doctour in *France*, and studied, read, and written so long a time in *France*, ought to be reckoned and numbred among the French Doctours; and who, for hauing beene the chief of them all, and for hauing had the honour to be Kinsman to S. *Lewis*, and to haue beene highly fauoured by him, and to haue eaten at his table, ought to be the lesse suspected of Princes.

(e) *Durād. Meld. l. de orig. iurisdict. q. 2.* (f) *Petr. Palud. tract. de caus. immed. potest. art. 4.* (g) *Heru. tract. de potest. Papæ.*

He then in his *Summe*, which is the substance of all his other writinges, and as his last will and testament, and which hath at all times beene publiquely read, and (if I may say it) adored in the Schoole of *Paris*, sayth expressely in these wordes: (a) *The right of domination or gouernement that the Infidells haue ouer the faithfull, may be iustly taken away by the sentence or decree of the Church, hauing the authority from God. For the Infidells by the desert of their infidelity merit to loose their power ouer the faithfull, who be trāsferred to be become the children of God. And sometimes it happeneth, that the Church doth this, and sometimes it doth it not.* And againe: (b) *So soone as any is deuounced excōmunicated by sentence for Apostacie from the faith, his subiectes be absolued from his domination and subiection, and from the Oath of fidelity, whereby they were bound vnto him before.* Behold what this holy and wonder-

(a) *Tho. 2.2. q. 10. art. 10. in corp. art.*

(b) *Ibid. q. 12. art. 2. in corpore art.*

full Doctour, or rather this Eagle of Doctours, whome the Schoole of Deuines calleth the Angelicall Doctour ſaith, and this in his *Summe* which hath been euer publiquely read at *Paris*, and held for the miracle and oracle of Scholaſticall diuinity, and who hath neuer been noted nor taxed in this Article by any, neither French, nor other.

And not only he, but euen thoſe alſo, who among the Doctours of the faculty of *Paris*, haue purpoſely and expreſly written for the Emperours, and for the Kings againſt the Popes, and haue taken vpon them to demonſtrate, that the Popes could not declare the ſubiects abſolued in conſcience from the Oath made to their Princes, haue alwaies excepted the caſe of hereſy, and infidelity; and eſpecially when the Princes went and proceeded ſo far, as to haue a will to deſtroy, and ouerthrow the Chriſtian, or Catholike Religion, and to inforce, and conſtraine their ſubiects in their conſciences, and to perſecute them as they were either Chriſtians, or Catholikes.

For *William Occam*, who fauoured the Emperour againſt the Pope, and whome the French Doctours who haue impugned the Popes temporall authority, haue taken for their Patron, hauing written expreſſely touching the Power Eccleſiaſtique and Laique, ſpirituall and temporall, where he diſputeth of ſet purpoſe, that the Pope hath not any power at all

all, to abſolue the Subiects of Kings from the Oath of Allegiance they owe vnto them; excepted in generall termes the caſes of Hereſy or Infidelity: (a) *The Pope* (ſayth he) *cannot ordinarily depoſe the Emperour, no more then other Kings, though he be neuer ſo worthy to be depoſed: nor for any crime or default, though neuer ſo great, if it be not of the number of the ſpirituall crymes.*

(a) *Occam. lib. 8. q. 2. c. 8. ad 3. alleg.*

And *Iohn* of *Paris*, to whome the more ſincere ſeruants and fauourers of Kings ſend the Readers to learne and vnderſtand, what ought to be the limits and bounds of the authority ſpirituall and temporall, doth there bring the very ſame exception: (b) *If a Prince*, ſayth he, *were an heretike, and incorrigible, and a contemner of the Churches cenſure, the Pope might do ſomething in the behalf of the people, wherof might enſue that he ſhould be depriued of his ſecular dignity, and depoſed by the people. And this the Pope may do in the only crime Eccleſiaſtique, the vnderſtanding and notice wherof, appertayneth to him that is to excommunicate all them, who ſhould obey ſuch a Prince as their Lord and Soueraigne.*

(d) *Io. Par. lib. de poteſt. Regis & Papæ c. 14.*

And *Iames Almaine* Doctour of the Faculty of *Paris*, who at what time King *Lewis* the 12. was at difference and variance with Pope *Iulius*, tooke vpon him the defence of the Kings power againſt that of the Pope; and for that cauſe did publiſh and put to light what *Occam* aforeſaid had compoſed, and written againſt the Pope, touching the boundes of both

powers,

powers, and illustrated them with explications and notes of his owne, relateth the words of *Occam* in these termes: *Doctour Occam*, (a) sayth he, *writeth, that* Iesus Christ *hath not given power to the* Pope *to deprive the Laiques of their Dominions, and their possessions, except in case that a secular* Prince *should abuse himselfe therin to the ruine of Christianisme, or of the faith; so as that abuse should extend to the domage of eternall felicity. For in this case it is not to be denied, but that the* Pope *hath power to dispose, though other Doctours deny it: albeit they confesse, that the* Pope *hath only authority, and power to declare, that such a* Prince *ought to be deposed.* Loe *Almaine* his wordes in the first part of his booke. And see agayne what he sayth in the second part of it: *The Doctour* (sayth he, speaking (b) of *Occam*) *hath answered, that if the Emperour be worthy of deposition for a cryme of the former kind, that is, for spirituall crymes, he may be deposed by the Pope: for as much as the Pope hath full power to punish spirituall sinnes. But if he be worthy of deposition for a cryme ciuill and politique, it then belongeth not to the Pope to depose him. And it is not to be said, that the condition of the Emperour, and of other Kinges, is not paralell, alike, and equall. For* Occam *handleth them as equall, and manteyneth, that the Emperour dependeth not in any sort of the Pope for his temporalities.* And a little after, passing vnto the opinion of *Iohn* Doctour of *Paris*, he sayth: (c) *Iohn of Paris holdeth, that for any crime, either spirituall*

(a) *Almain l. de potest. Eccles. & Laic. c. 8.*

(b) *Alm. ibidem.*

(c) *Alm. ibidem.*

spirituall or politique, it apperteyneth not vnto the Pope to depose the Emperour, but by accident &c. that is to say, in as much as he may excommunicate him for such a cryme, and all them that take parte with him; and consequently by such an excommunication to constreyne them to depose him. And so he deposeth him only by accident, and indirectly, and not directly.

And yet these be the principall supportes wherewith the Kinges and Church of *France*, haue serued themselues, when they meant to withstand and oppose themselues, against the progresse of the Ecclesiasticall power, ouer the temporall. These be the bookes which the Kinges haue caused to be writtē for the mayntayning and vpholding of their authority: These be the bookes which the Faculty of Diuinity, haue caused to be published at such time, as the Kinges had any variance with the Popes. These be those writinges that were reprinted and put to light agayne, and illustrated with explications, when King *Lewis* the 12. entred into a difference with Pope *Iulius*, in the time of the Councell of *Towers*, and of *Pisa*. These be the bookes which were caused to be published for the same subiect, vnder our deceased King of glorious Memory, and that an eight yeares since, that is to say, in the yeare 1606. and whereunto the Maisters of the Kinges retinue of the Parlament of *Paris*, do remit and refer their Readers, to vnderstand

what be the batteries & ſtrongeſt defences of the Iuriſdiction ſpirituall & temporal. *And this Schoole of Sorbonne* (ſaith the deceaſed *Monſieur Procuratour*, or Attorney Generall *de la Gueſle*, (a) ſpeaking to the Schoole of *Sorbone* on the behalf of the Court) *hath excellent obſeruations in the writings of Gerſon*, *and in the booke de poteſtate Regia*, *& Papali*, *compoſed by Iohn of Paris Doctour in this faculty*, *and in a thouſand places beſides*. And notwithſtanding this, what ſaith *Iohn of Paris? That the Pope* (b) *in caſe of hereſie*, *can depoſe only indirectly*, *in as much as he can excõmunicate thoſe who do adhere to an heretical Prince*, *and conſequently compell them by impoſition of ſome ſpirituall payne to depoſe him*, *though he cannot depoſe directly*. And what ſaith *Gerſon? That the power Eccleſiaſtique cannot take vpon it power ouer the ſecular*, *but in caſe of hereſie*, or *of impugning the faith*. *The power Eccleſiaſtique* (ſaith (c) Gerſon) *ought not to preſume*, *or vſurpe ouer the rightes*, *dignities*, *lawes*, *and iudgments of the ſecular power*, *but when the abuſing of the ſecular power redoundeth to the manifeſt impugnatiõ of the faith*, *and the blaſphemy of the Creatour*, *and to the manifeſt iniury of the power Eccleſiaſtique*. *For then a remembrance muſt be had of the laſt clauſe of this conſideration*; *that is*, *that in ſuch caſes*, *the power Eccleſiaſtique hath a certaine dominion and power regitiue*, *directiue*, *regulatiue*, *& ordinatiue*.

(a) *Apud Rochell. in Decreto Eccl. Gall. lib. 5. c. 8.*

(b) Supra pag. 47.

(c) *Gerſon de pot. Eccl. conſiderat. 22. tom. 1.*

And not only the Deuines, but the Lawyers

ers alſo be of the ſame opinion. For to ſay nothing of thoſe who haue further extended the Popes power, as *Iohn* de *Selue* (a) Preſident of the Parlament of *Paris*, (b) *Iohn Faber* Aduocate of the ſame Parlament, *Stephen Aufrerius* (c) Preſident of the Parlament of *Tholouſe*: But to reſtreyne my ſelfe to thoſe who haue written expreſly for the limiting of the Popes power, when *Maiſter Raoul de Preſles* Counſailour and *Maiſter* of Requeſts to King *Charles* the fifth, tranſlated by commandement of the ſame King, the work intituled, *Of the Power Pontificall and Imperiall, or Royall*, he propoſed the 15. obiection for the Popes temporall authority in theſe wordes: *Item the Pope may abſolue the vaſſalls* (or ſubiects) *from the oath of fidelity, which is due to the temporall Lord, which thing he would not do, if he had not power in temporall matters*. And he made anſwere for the Princes in theſe wordes: (d) *I anſwere to this argument, & ſay, that in a caſe in which the Pope may haue action againſt a Prince, he may alſo abſolue the vaſſals from their oath of fidelity: or which is more, he may declare them abſolued as in caſe of hereſie, of diuiſion of the faith, or of contumacy againſt the Church of Rome.*

And when the Chancelour of the ſame King *Charles* the fift compoſed in fauour of his Lord and Maiſter, a dialogue of the Power Regall and Sacerdotall, (e) he made anſwere by him who mainteyned the part of the Regal power, *That the power ſpirituall commaundeth not*

(a) *Io. de Selu. tract. de Benef. p. 3. q. 8.*
(b) *Ioan. Fab. in log. 1. nu. 10. c. de ſum. Trinit. & fide Cath.*
(c) *Aufr. de poteſt. ſæcul.*
(d) *Raoul de Preſles imprimé en Allemaine par les Proteſtants.*
(e) *Le ſonge du Verger, attribué par quelques vns au Chauncelour des Domans: par les autres a Philip de Meziers Cõſeiller & intime cõfident du Roy Charles 5.*

the ſecular, but when the ſecular power intermedled it ſelf in matters ſpirituall, to the preiudice and hurt of the eternal good of the ſoule. Behold his wordes.

(a) Lib. 1. c. 7. 8. in res milit.

(a) *But there where the ſecular Prince would meddle in ſpirituall matters, and do ſome thing in regard of his ſubiects, to the detriment and hurt of their eternall ſaluation, the ſpirituall power is then neceſſary, which in ſuch a caſe commaundeth, and guideth the temporall.*

And after this when *Peter Gregory* a lawyer of *Tholouſe* vndertooke in his Treatiſe of the *Republique*, the defence of the Regall authority againſt that of the Pope, he alwaies excepted the caſes of faith, & ſaith, that the Pope could not depoſe *Childerike* of his owne authority, that is to ſay, without the inſtance of the French; for he addeth:

(b) Petr. Gregor. Tholoſ. tract de Repub. l. 6. cap. 5.

(b) *Childerike was not an Heretike, nor had commited any Eccleſiaſticall crime, whereby he ſhould haue beene enforced to ſubmit himſelf to the Iuriſdiction of the ſpirituall Sea.*

And againe: *The example of the Emperours ought not to be drawne for a preſident for other realmes principalities and gouerments, which depend not vpon the Sea of Rome in temporall matters, and care not much for her commandements in ſuch matters. I alwaies except, as I haue ſaid eliwhere, the caſes of faith, in which the Princes of what power and libertie ſoeuer they be, are directly ſubiect to the Sea of Rome, & may be puniſhed for the crymes they cõmit in ſuch caſes; Alwayes vnderſtood, that as the crimes be perſonal, & go not further then to perſons delin-*

Ceſt autheur eſt citè par les Anglois, par l'autoritè temporel des Roys, & imprimè auecq priuilege veriſſie au Parlemẽt.

delinquēt, so the paine that is due to them, infringeth not the right of the successours to their Kingdome.

But against this, one obiectes three principall instāces. The first is taken from the resistance made by *Philip* the *Fayre*, to the attempt of Pope *Boniface*. The second is taken from the oppcsition of King *Lewis* the tweluth, to the pretensions of Pope *Iulius*. And the third is drawne from the arrest, and Decree of the Parlament of *Paris* against *Tanquerell*.

To the first of these instances, the defendours of the exception answere is, that the subiect of the controuersy was not matter of heresy, or of Apostacy from Christian Religion. On the contrary the people of *France* gaue testimony to King *Philip* the *Fayre*, that he was a great distroyer of the *Bulgares*, (a) that is to say of *Heretikes*. And as touching them who wrot for the King, so farre were they from houlding, that it is impiety to belieue that the Pope can for cryme of Religion disanull the Oath of fidelity and allegiance, as they themselues alleaged amongst the meritorious workes of the Kings predecessours, that his father died for the execution of the absolution, which the Pope had giuen and graunted the *Aragonians* from their fidelity to their Prince. *Philip his Father* (say they) (b) *passed to God prosecuting in Aragon the Churches cause.* But the subiect of the quarrell was, that the Pope pretended, that the temporall soueraignty of *France* apperteyned

(a) They anciently called the *Albigēses*, *Bulgares*, becauſe the *Bulgares* held their heresie, & after that al Heretiques were by extension so called.

(b) *Act inter Bonif. & Phil. Tulch. q. de potest. Pap. fol. 80.*

vnto him. Against this therefore the King opposed himselfe and all his Realme, & appealed not to the Pope, but from the person of *Boniface* (whome he maynteyned not to be Pope) to the Councel, & to the Sea Apostolique, when it should be prouided of a true Pope. *The King*, saith *du Haillan*, (a) *answered, that sith Boniface was not the lawfull Pope, he appealed for this fact to the Sea apostolique, at that time destitute of Pope & Pastour*. And King *Philip* the *Fayre* himself in the forme of his appellation saith: (b) *Wee appeale to the said Generall Councell, which we most hartily craue may be assembled, and to the true and lawfull Supreme Bishop that shalbe, and to others to which, or to whome it shalbe meete to appeale*. For the King and his maynteyned, that *Boniface* was not the true Pope, but was intruded and thrust into the Popedome by fraud & simony, (c) *Celestine* his predecessour the true & lawfull Pope still liuing. And they further added that (d) he was an Heretique, and consequently not Pope, for as much as, said they (e) he had reuealed a confession: and more then that, he pretended, that he beleeued not in the presence of Christes body in the Holy Sacrament. And for this the Coũt of *Artois* caused his Buls to be burnt, not as of the true Pope, but as of a false one, intruded, heretical, & symoniacal: and for this cause the King appealed not frõ the Pope, but from the person of *Boniface* to the Councel, & to the Sea Apostolique, when it should haue

a) *Du Hailan in his history of Frãce in the life of Philip the Fayre.*

(a) *Act. inter Bonif. & Phil. Pulch.*

(c) *Ibidem.*

(d) *Ibidem.*

(e) *Ibid. in appell. fact. per reg. & regni col. art. 18.*

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a true Pope; & he ſent two Knights to ſignify his appeale, the one an Italian named *Sciarra*, and the other a Frenchman named *Nogaret*, who ſurprized by intelligence the Cittie of *Anagnia* wherin Pope *Boniface* was, whence being deliuered vp, and ſent to Rome, he dyed within awhile of ſorrow.

In place of *Boniface* was choſen *Benedictus*, to whome preſetly after his creation, the King gaue ſufficiently to vnderſtand, that what he had done againſt *Boniface*, was done but againſt his perſon, and not againſt the Sea Apoſtolique. For he wrote vnto him with this ſuperſcription, (a) *To the moſt holy Father in our Lord, Benedict by the diuine prouidence, Supreme Biſhop of the ſacred holy Church, Roman and vniuerſall, Philip by the grace of God King of France, deuoutly kiſſeth his bleſſed feete.* And further with this cõgratulatiõ: (b) *The Order of the Preachers do glorie to ſee ſitting in the ſupreme throne of iuſtice, ſuch a father of the Vniuerſe, and of the faith; ſuch a ſucceſſour of S. Peter, and ſuch a vicar of Chriſt.* And together with this concludeth: (c) *We recommend confidently the Realme, in the gouernement whereof we dae by the grace of God ſit, and withall we recommend the Church of France to the fauours of your Holines.* And to *Benedict* who continued in the Sea but eight monethes, ſucceeded *Clement* the fifth, vnder whome the affaires of reconciliation were in ſuch ſort accorded, and brought to an end, as the temporall

(a) *Act. inter Bonif. & Phil Pulch. fol. 94.*

(b) *Ibid. f. 95.*

(c) *Ibid. f. 96.*

rall rightes of the Realme continued in their integrity. And *Clement* himselfe came to *Lions*, where the King to honour in him the spirituall power of Christ, put himselfe on foot, togeather with his brethren, to receaue him. *Our Chronicles*, saith *du Haillan*, (d) *doe affirme, that the King of France, and his two brethren were on foote by the Popes side, holding his horses bridle.*

(d) *Du Haillan en la vie de Philip le Belle.*

To the second instance, which is of the complaint of *Lewis* the 12. the defendors of the exception make the very same answere: That the source and origen of that difference was not matter of religion, but cases meerely temporall, that is, of the league and association that Pope *Iulius* and King *Lewis* the 12. at that time Duke of *Millane*, had made and entred into against the *Venetians*. For the Pope seeing how the King grew as great as he could desire in *Italy*, fel off from that alliance with him, and reconciled himselfe with the *Venetians*. The King incensed with this separation, and the Popes deportement, and bad carriage towardes him thereon following, caused a Councell to be held at *Pisa*, and after againe at *Millan*, by the Cardinals and other Prelates of his side, where the Pope was declared suspēded frō the administration of the vniuersal Church. The Pope sore moued at this attaint, caused another to be held at *Rome*, where to requite the King, he declared him, and his adherents deposed from the administration of their

their temporall Estates. But the *French* both Ecclesiastike and Laike, knowing that the first source & beginning of that discord proceded from passion of matter of State, & not of religion, interteyned vnion in such sort with the King, as nothing could separate them from him. For as touching the losse that happened vnto *Iohn de Albret* of the Kingdome of *Nauarre*, the Continuer of *Paulus Æmilius*, though he was a fore enemy of the memory of Pope *Iulius*, confesseth not, that the sentence of the Pope was the true cause: on the contrary, he mayntaineth that the cause for which *Iohn de Albret* lost the Kingdome of *Nauarre*, was for breaking of from the alliance he had with *Ferdinand* King of *Aragon*, which alliance *Ferdinand* affirmed was ratified vpon condition, that if the Kinges of *Nauarre* did violate the same, then the Kingdome of *Nauarre* should returne to the Spaniardes: and he did put himselfe into that alliance of King *Lewis* the 12. vnder promise, that he should procure the soueraignity of *Berne* to be restored vnto him. This then the Continuer of *Paulus Æmilius* auerreth to be the true cause of the losse of the Kingdome of *Nauarre*. And the other neither to haue beene the true cause, nor true pretext, but only a help of a pretext, of which *Ferdinand* not hauing taken his aduantage, did not yet leaue to pretend, that the Kingdome of *Nauarre* appertained vnto him, and so to take

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possession of it. *The King of Nauarre*, saith he (a) *denied in the beginning, that he could refuse to giue passage to the King of Aragon, to passe into France, saying; first that he was hindred to declare himself enemy to Ferdinand, by the alliance he had with him: and Ferdinand himselfe vaunted, that when the Kingdome of Nauarre, was by the Spaniardes rendred vp, into the handes of the race of Albret, it was by caution written and prouided, That in case their successors should breake their alliance, the Kingdome should returne to the Spaniardes.*

(a) Perrō. Continuat. Pauli Æmil. in. Lud. 12.

And a litle after: (b) *Whereupon Ferdinand hauing vnderstood that the King of* Nauarre *was entred into amity with the King of* France, *turned against him the forces which he had prepared for his iourney into* France. *And this was the cause for which* Ferdinand *did thrust his neighbour, & next bordering King out of his Kingdome. And more then this, he added the pretext of another matter, namely that the Pope had declared the King and his adherentes excomunicate, & their Kingdomes exposed.*

(b) Ibid.

To the Third Instance which is taken from the Arrest, or Decree of Parlamēt, which *Mousieur* Chancelour of the *Hospitall* caused to be made against *Tanquerell*, there needeth no other answere then the Answers going before. For the Arrest toucheth not in any sort the exception, wherof the *French* Doctours speake, who haue written in defence of Regall Authority, which is the case *of Heresy, or Apostacy from Christian Religion*; but only the fact of temporall

temporall Soueraignty, as it appeareth by the diſauowing of the propoſition that was compriſed in theſe words; (a) *I am ſorie, that I haue held, that the Pope was Monarch ſpirituall and temporall, and can depoſe Princes that are rebellious to his commaundements*. And therefore to what purpoſe is it to alleadge this hiſtory, and other the like, which ſpeake of temporall Soueraignty, alleadging them againſt the exception of which we treate, which they who make it, extend but to the caſes of Hereſy, or of Infidelity alone, that is to ſay, of abiuration of Catholike, or Chriſtian Religion? But it may be replied, that the Popes may well impute vnto Kinges, either by paſſion or bad information, that they be Heretikes or Apoſtata's from Chriſtian Religion, though they be not ſo indeed. But againſt this, the authors of the exception thinke they haue carefully prouided. For firſt they proteſt, that they meane to ſpeake of an Hereſy notorious, well knowne, and condemned by the precedent ſentence of the Church. And ſecondly they confeſſe not, that the execution temporall of theſe Eccleſiaſticall iudgmentes (that is to ſay of actuall depoſition) appertaineth to the Pope, but to the body of the Realme. By occaſion wherof, if the Pope erre in fact, and he preſuppoſe falſely, that a Prince maketh a publique profeſſion, to beleeue, or eſtabliſh an Hereſy condemned by the Church (a matter that cannot be concealed

(a) *Apud Bochell. Decret. Eccl. Gall. lib. 5. c. 6.*

or hidden) the Cleargy and all the reſt of the Realme in place of following the iudgment of the Pope, do ioyne themſelues with the King, and make knowne vnto the Pope, how he was deceaued, and miſtaken in the fact, demaunding that the matter may be iudged in full Counſell, the Church of *France* being preſent.

In ſo much as it is ſo far off that this manner of proceding reſtrayned to the only caſe of Hereſy or manifeſt Apoſtacy from Chriſtian Religion, may cauſe the ruine and ouerthrow of Catholike Kinges, as that on the contrary it doth aſſure and fortify them with a double rampaire. For if the ſubiects haue any bad will, they are not permitted vnder pretext of Religiõ to moue any thing againſt their Prince, vntill the authority of the vniuerſall Church, reſiding either in the head which is the Pope, or in the body which is the Councell, hath declared him fallen into hereſy, or Apoſtacy from Chriſtian Religion. And if the Pope deceaued or miſinformed in the fact, precipitantly and vniuſtly declare him ſuch a one; beſides the recourſe that the *French* are wont to haue to require of the Pope, that the matter may be examined in a Councell, where the Biſhops of all the Church, & in particuler thoſe of the *French* Church are preſent; the declaration of the Pope cannot be followed in the temporall effect, which is actuall depoſition, vntill the Realme conſent vnto it, and ſee demonſtratively

by the conuersation of their Prince, whether he maketh profession of the Catholike Religiõ, or of any other. Now, who vnderstandeth not, that it much more profiteth Kings to haue this double rampaire before them, that is, that nothing can be designed against them, without the preuentiõ of the Churches vniuersall iudgment, nor be effected without the concurrence of the consent of their people, then to permit & leaue to the liberty of euery particuler persõ, to censure of the religion of his Prince, & after he hath giuen his iudgment, to make himselfe an arbitrer of the remedy that is to be applied?

It further appeareth, that our Kinges haue beene so farre of from thinking that this barre of the Popes authority, interposed betweene them and their subiects, hath beene preiudiciall vnto them, as on the contrary they haue with great instance obteyned of the Popes (and that by a priuilege both very singular and fauourable) that none other but the Popes may excommunicate the Kinges of *France*, or impose interdiction, be it in generall vpon the whole Realme, or in particuler vpon the Landes vnder their obedience.

Hence it is, that *Peter de Cugneres* (a) the Kinges Aduocate among other the cõplaints that he made to King *Philip de Valois* against the Church-men, brought this article for one: *Moreouer they haue many times interdicted many of the Kinges Cities and Castles, and haue caused the*

(a) *Petr. Cugneragrauam. 59.*

the diuine ſeruice therein to ceaſe, againſt the priuiledges that our Soueraigne Kinges haue from many Popes. For Pope Alexander the (b) 4. yealded theſe wordes vnto the King S. Lewis, by expreſſe Bulls; That no Archbiſhop, nor other Prelate can publiſh againſt your land ſentence of excõmunication, without commaundement, or ſpeciall licence of the Sea Apoſtolike. And Nicolas (a) the third vſeth theſe wordes in his Bull to Philip his ſonne: That none generally pronounce the ſentence of excommunication, or of interdiction againſt all your land, or againſt the Realme of France, without ſpeciall commandement of the Sea Apoſtolique. And beſides Clement (b) the fourth, Gregory (c) the tenth, Martin (d) the fourth, Clement (e) the fift who publiſhed the like Bulls, Clement (f) the ſixt renewed them afterward againe by Bulls ſent to King Iohn, and to the Queene Iane his wife in theſe termes: Giuing conſent to your deuout petitions, we yeild vnto you by Apoſtolike authority, to you and to your ſucceſſours Kings of France, who ſhall be from time to time, that none can publiſh ſentence of Interdict againſt your land or theirs, without ſpeciall cõmaund, or licence of the Sea Apoſtolike. And againe by other Bulls (g) ſent to the ſame King Iohn and Queene Iane, for their Chappells in particuler, in theſe wordes: That it be not lawfull for any to put the Chappells of you, and of your Succeſſors Kinges after you, vnder Eccleſiaſticall Interdict, without ſpeciall licence of the Sea Apoſtolique. And theſe Bulls were

(b) Alexand. 4. 2. Calend Aprii. Pontif. an. 2.

(a) Nicol. 3. 13. Calend. Octobr. Põtif. an. 11

(b) Clem. 4. 3. Idib. Martij. Pontif. an. 2.

(c) Greg. 10. 9. Cal. April. Pontif. an. 1.

(d) Mart. 4. cal. Octob. Pont ann. 2.

(e) Clem. 5. 2. cal. Aug. Pontif. ann. 2.

(f) Clem. 6. 2. cal. Ian. Pontif. ann. 9.

(g) Idẽ 11. cal. Maij Pontif. ann. 9.

were addressed, and sent to the Court of the Parlament of *Paris*, by the letters Patentes of *Charles* the Fifth, to cause them to be regi-stred; And they were regiſtred (i) by Act of the same Parlament, shewing their execution and verification.

(h) *Anno* 1369.

(i) 14. *calend maij*.

But here the question of *Right* is not disputed, namely whether the *French* Doctours haue had reason to except against the insolubility of the Oath of alegiance, in cases of Heresy or Apostacie from Christian religion? The matter which we now speake of, is a question of *Fact*, that is to say, Whether they haue excepted them? And for this wee need no better witnesses then the English writers, (a) who haue put their hand to pen for the defence of the Oath, made by the present *King of England* against the Pope. For hauing vsed all their endeuour to find some doctours, & in particuler *French*, who had held their opinion before these last troubles, they could hitherto bring forth neuer any one, neither Diuine nor Lawyer, who saith, that in case of Heresie or Apostacie from Christian religiō the subiects could not be absolued from the Oath of *Alle-giance*. On the contrary, the *French* men (whome they haue cited, as *Iohn of Paris* (b), *Iohn Maior* (c), *Iames Almain* (d), *Peter Gregory* (e), alwaies except the cases of Heresie or of Apostacy from Christian religion. And as for Strangers and Forrayners, as *Occham* (f), *Antony de*

(a) *Widdrington Apol. pro Iur. Princ.*

(d) *supra pag.* 47.

(c) *Io. Maior in* 4. *sent. dist.* 24.

(d) *Io Alma. supra pag.* 48.

(e) *Petrus Greg. supra pag.* 52.

(f) *Occ. supra pag* 47.

de Rossellis (g), and Vulturius (h), they affirme the same. For as touching Marsile of Padua they were not so hardy as to alleage him, for so much as he is well knowne for an heretike, by the vniforme consent of all Catholiques, as hauing denied, that the Pope was head of the Church *iure diuino*, and S. Peters Successour, which the Councell of *Constance* (i) bindeth to beleeue, as an Article of faith, and vnder payne of *Anathema*: In so much as for this very cause the Emperour *Charles* the Fifth caused his bookes to be burned publiquely.

(g) *Ant. de Rossell. Monarch. part. 1. c. 56*

(h) *Vultur. lib. de Reg. mundi*

(i) *Concil. Costant. sess. 8. in condem. art. Wiclef.*

Moreouer they durst not alleage the Epistle of the *Chapter* of *Liege* against Pope *Pascalis* during the contentions of the Popes and of the Emperour *Henry* the 4. First, for that the Bishop of *Liege* vnder whome it was written, was the Emperours Chaplaine, and one of his faction; (a) & very passionate against the Pope, as hauing beene created Bishop by the Emperour, & by the *Anti-pope*. Secondly, for that at what time it was writtē, the Emperour resided actually in *Liege* (b): Thirdly, for that the *Chapter* of *Liege* hath since (c) abrogated it, & razed it out, by the pardon they craued of the Pope, for hauing taken part with the Emperour: And fourthly that the same Emperour doth recall it, when he wrote to Pope *Gregory* the seauenth the third Pope after *Paschalis*, saying: (d) *That it was the tradition of the Fathers, that he could not be deposed, if he erred not in faith*. Which

(a) *Vrsperg. in Chron.*

(b) *Ibid.*

(c) *Ibid.*

(d) *Inter Epist. Hen. à Protest. edit.*

Cusanus

Cuſanus (e) the Imperialiſt writing for the Coū- cell of *Baſil* againſt the Pope, hath ſince auowued and auerred in theſe words: *If the Pope finde that he who hath beene choſen Emperour, erreth in faith, he may declare him not to be Emperour,*

(e) *Cuſan. l. 3. concord. Cath. c. 7.*

They well alleage indeed *Sigebert* (f) who ſaith, *that it was a nouelty, not to ſay hereſy, to teach the people, that they did not owe any ſubiection to bad Kinges.* But beſides that, this *Sigebert* was a man no leſſe paſſionate for the part of the Emperour, then was the Biſhop of *Liege*: what he ſayth, doth not any way touch the caſe brought by the exception, which is of Kinges Heretikes, or Infidells.

(f) *Sigeb. in chro. anno* 1088.

Now, if thoſe who haue of ſet purpoſe laboured in fauour of the Oath of *England*, to finde out authors who haue affirmed, that in caſe of Hereſy, or of Infidelity, the ſubiectes could not be abſolued from the obligation that they owe to their Princes, could not finde out any one: And if thoſe, who haue ſince written of the ſame ſubiect in *France*, could neuer finde out in all *France*, ſince the time that Schools of Diuinity haue beene inſtituted, and ſet open, til this day, one only Doctour, neither Diuine, nor Lawyer, nor Decree, nor Councell, nor determination, nor Act of Parlament, nor Magiſtrate either Eccleſiaſtique or Politique, who hath ſaid, that in caſe of hereſie, or of infidelity the ſubiectes cannot be abſolued from the oath of fidelity they owe to their Princes: On the

(g) *VVidring. in A. pol. pro iur. Princ.*

contrary, if all thoſe who haue written for the defence of the temporall power of Kinges againſt Popes, haue euer excepted the caſe of hereſy, and of apoſtacy from Chriſtian Religion; how is it, that they can without inforcing of cõſciences, not only make men to receaue this doctrine, (a) *that in no caſe the ſubiects can be abſolued from the oath of Allegiance they owe to their Princes*, for a perpetuall and vniuerſall doctrine of the French Church: But alſo to cauſe all the Biſhops, Abbots, and other Eccleſiaſticall perſons to ſweare it, as Doctrine of faith, and to condemne the contrary, as impious, peruerſe, and deteſtable? And how can we endure a propoſitiõ to paſſe for a Fundamentall Law of the Eſtate of France, which came to light & was borne in France, more then an eleauen hundred yeares ſince the State of it was founded? And when there ſhalbe found as many perſons who ſhall haue followed it in *France*, as there be found who haue followed the contrary, what ſhall they be able to inferre more (other nations contradicting) then to hold it for problematique in matter of faith, and not to cauſe men to take and ſweare it, as conforme to Gods word, and neceſſary to ſaluation, and to abuſe the other as contrary to the word of God, & impious, peruerſe & deteſtable? But this is inough for this point. Let vs paſſe to others, and endeuour to handle them all in as full & worthy maner, as this Audience doth deſerue.

Artic. of the third Eſtate.

THE

THE SECOND INCONVENIENCE, that I haue bound my ſelf to ſhew in this Fundamentall Propoſitiõ is, that not only it giueth vnto Lay perſons power & authority to iudge of thinges of Religion, and to decide the doctrine that it contayneth, to be conformable to the word of God, and the contrary to be impious, peruerſe, and deteſtable: But alſo it giueth theſe men authority, to impoſe a neceſſity vpon the Eccleſiaſtical perſons, to ſweare, preach, and teach the one, and by Sermons and writinges to impugne the other. And who ſeeth not that this is to make the Church like vnto that woman, of whome *S. Epiphanius* ſpeaketh, (a) *who did put her head-tyre vpon her feete, and her ſhoes vpon her head*: which is as much to ſay, as to commit the commaund and authority of the Church to the parties that ſhould obey; and to put obedience vpon the parties whoſe office it is to commaund? And what is this but to open a gate to all hereſy? What is it, but to turne vpſide downe, & to ouerthrow the Churches authority? What is it but to tread vnder foote the reſpect of *Ieſus Chriſt*, and of his miniſtery? To be ſhort, who ſeeth not, that it is a Sacriledge, that hath at all times drawne the Ire, Wrath, and Vengeance of God aſwell vpon Kinges, and Princes, as vpon particuler Perſons, who haue attempted the ſame?

(a) *Epiph. hæreſ. 59. quæ eſt Cathar.*

(a) 1. Reg. 13 & 15.

Euery one knoweth that, *Saul* (a) was depoſed from the right of his Royalty, and died a miſerable death, becauſe he would take vpon him the office of a Sacrificer. We know

(b) 2. Reg. 6.

that *Oza* (b) was puniſhed with a ſudaine death, for putting his hand to the Arke, that ſeemed to ſway to the one ſide. We know that King

(c) 2. Paralip. 26.

(c) *Ozias* was ſtroken with leproſy, and excluded from the adminiſtration and gouernment of his Kingdome, for taking the Cenſar into

(d) Malach. 26.

his hand. And holy Writ ſaith, (d) *The lippes of the Prieſt ſhall keepe knowledge, and the Law they ſhall require of his mouth, becauſe he is the Angell of*

(e) Eſay. 54.

the lord of Hoſtes. And the Prophet *Eſay* (e) ſaith to the Church, *Euery tongue reſiſting thee in iudgment, thou ſhalt iudge.* And againe:

(f) Idem. 60.

(f) *The King ſhall walk in thy light, & the people in the brightnes of thy riſing.* And King *Ioſaphat* diſtinguiſheth the boundes of the one and the others Iuriſdiction in theſe wordes:

(g) 2. Paralip. 19.

(g) *Amarias* (ſaith he) *the Prieſt and your Biſhop, ſhalbe chiefe in theſe thinges that appertayne to God: and* Zabadias *the ſonne of* Iſmael, *who is the Prince in the houſe of* Iuda, *ſhalbe ouer thoſe workes which perteyne to the*

(h) Matth. 29.

Kinges office. And our Sauiour (h) ſaith himſelfe, *VVhoſoeuer ſhall not heare the Church, let him be vnto thee, as an Ethnick and a Publican.*

(i) Act. 20.

And S. *Paul* ſpeaking vnto Paſtors (i) ſaith: *The Holy Ghoſt hath placed you Biſhops, to rule the Church of God, which he hath purchaſed with his owne bloud.* And ſpeaking to the Laytie he ſaith:

(a)

(a) *Obey your Prelates, for they watch, hauing to render an accompt of your soules.* And againe: (b) *Neither doth any man take the honour to himselfe, but he that is called of God, as Aaron.* (a) Heb. 13. (b) Heb. 5.

And therefore we see that the first Christian Emperours, were euer so respective and Religious, as they would neuer make themselues Iudges, neither of matters of faith, nor of matters of the Churches discipline, nor of the Bishops causes among themselues, for feare of violating the rectitude that Gods Ministers ought to bring to Ecclesiasticall Iudgments, by the feare of temporall Iurisdictions. And that if they published any lawes in such cases, it euer was, after the Bishops had passed them, and to further the temporall execution of the decisions, formerly made by Ecclesiastique authority.

It is not lawfull for me, saith (c) *Constantine* the Great, *who am placed ouer temporalities, to censure and iudge the causes of Bishops* And the Emperour *Valentinian* (d) the first said: *It is not lawfull for me who am of the Laitie, to arrogate to my selfe the curiosity of searching into these matters.* And the Emperour *Theodosius* the second (e) writing to the Councell of *Ephesus*, sayth: *It is not lawfull for him, who is not of the ranke of Bishops to intermeddle himself with the decision of the affaires of the Church.* (c) Ruff. l. 10. Eccles. hist. c. 2. (d) Sozom. l. 6. c. 7. (e) Epist. ad Synod. Ephes.

And the most glorious and victorious of all our Kinges, which was *Charlemaine*, confir-

ming the answere that *Constantine* made, saith:

(f) Carol. magn. l. 6. cap. 301. (f) *The Emperour Constantine answered vpon the accusations of the Bishops; To me who am placed ouer temporalities, it is not lawfull to iudge the Bishops causes.* And confirming that which the Emperour *Valentinian* had said, he vsed these words: (a) *Your businesse is aboue vs, and therefore iudge among your selues of your owne causes: For you are aboue vs.*

(a) Ibid.

And when on the contrary, the hereticall Emperours would take vpon them, to meddle with Ecclesiasticall iudgmentes, the holy Fathers resisted them, & contradicted them with all manner of constancy. *We are not permitted* (said *Hosius* to the Emperour (b) *Constance*) *to hold the Empire on earth, nor to You to lay hand on the Censar, and to vsurpe the authority of Religion.* And *S. Athanasius* sayth: (c) *When was it euer heard in the memory of man, that the iudgments of the Church, tooke their force from the Emperour?* And againe: (d) *He treateth not of matters of the Roman Comon wealth, where there may be credit giuen to you as to an Emperour: but he speaketh of a Bishop.* And a little after: (e) *Who is he, who seeing an Emperour, occupying the chiefest place in matters of the Church, would not iudge that it were the abomination of the desolatiō fortould by Daniel?* And *Gregory Nazianzen* (f) saith: *Will you heare a free word, which is, That the law of Iesus Christ subiecteth you to my Iurisdiction, & to my tribunal. For we are Emperours also, namly in an Empire grea-*

(b) Epist. ad Const. apud Athā. in ep. ad solit. vit. agent.

(c) Athan. epist. ad solit. vitam agen.

(d) Ibidem

(e) Ibidem

(f) Greg. Naz. orat. ad ciues ti. perculs. & Princip. irascent.

ter and perfecter then yours. And S. Ambrose (g) saith. *Who maketh any doubt if we regard the order of the Scripture, or the antiquity of the Church, but that the Bishops in causes of faith haue a custome to iudge of Christian Emperours?* And againe: *Your Father said, It is not for me to iudge betweene Bishops; And your Clemency saith, It apperteineth to me to iudge.* And S. *Martin* the renowned ornament of the *Gaules*, saith: (h) *It is an impiety new, and not heard of before, that a secular Iudge should iudge of matters of the Church.*

(g) *Ambr. ep. 32. ad Imper. Valent iunior.*

(h) *Apud Seuer. Sulpit l. 2. sacræ. hist.*

And against this it helpeth not to alleage that the Emperour *Constantine* did call himselfe (a) *a Bishop out of the Church*. For *Constantine* by that meant nothing lesse, then to say that he had iurisdiction and superintendency ouer the externall forme and discipline of the Church. Els wherfore should he haue desired with so great instance the authority of the Councell of *Nice*, for the decision of the day of Easter? But he meant only to say, that what the Bishops did by their preachings among the Christians within the Church, that did he out of the Church, by his Edictes against the Infidells: *He ordayned* (sayth Eusebius) *by his Edictes, and gaue order to the Gouernours of the Pagans, to cause them to keep the Sunday also, as well as the Christians, and to honour the dayes of the Martyrs, and the feastes appointed in the Churches. And therof it came, that hauing one day feasted some Bishops, he called himselfe, Bishop in*

(a) *Euseb. l. 4. de vit. Constant. cap. 24.*

their

their presence, saying vnto them: God hath placed you Bishops within the Church, and me a Bishop out of the Church.

But me thinkes I heare You already say, that the matter of this article is not a question of Religion, but a simple and meere question of Estate, and Policy. As if to handle, how farre the spirituall vse of the keyes, and of the power of binding and loosing, which God hath giuen vnto his Church, extendeth it self, were not a question of Religion? As if to dispute whether these keyes might passe to the excōmunicating of them, that willingly obey their Princes, who after hauing done homage of their Crownes to Iesus Christ, come to vse manifest felony against him, to proclayme warre against him, and to impugne his faith and doctrine, were not a question of Religion? As though to dispute whether those keys could in conscience, and in the Churches tribunall absolue soules of the Oath of Allegiance, they owe to their Princes, when their Princes violate, and breake the reciprocall Oath they haue made to God and to them, to maintaine them in Christian and Catholike Religion, were not a question of Religion?

For therin being two obligations and bandes, by which the subiectes are bound to obey their Princes, the one *Politicke*, which hath for his scope, the peace and felicity of the temporall life, and against the violating wherof

wherof there be temporall paynes ordained, which is that wherof the Apostle speaketh (a) when he saith, *That a man must obey Princes not only for wrath*; the other, *religious and Ecclesiastike*, which is that of the obedience, that Christians owe to their Princes, not for the simple respect of lawes and paynes temporall, but for respect vnto God, and for the consideration of rewards and paynes eternall, which is that, that the same Apostle (b) calleth *for conscience sake*: Who doubteth, when there is question of vntying, not of the simple knot politike, for which the politike lawes be instituted, but of the spirituall, and Ecclesiastike knot, and of the obligation contracted in the tribunall and Court of conscience, and this being the matter which is now in dispute, *whether in case of heresy it may be vntied or not*; who doubteth I say, whether this question be a question of Diuinity? And more then this, whatsoeuer the matter be in it selfe, who seeth not, that to dispute, if it be conforme, or contrary to Gods word, is a question of Religion?

(a) *Rom.* 13.

(b) *Ibid.*

But some will reply, and say, that this is so cleere and so euident by Scripture, as it admitteth neither vntruth, nor dispute, nor censure. Is it true? Where then there is a proposition which all the schoole Doctours, and namely the two great lightes of Schoole Diuinity S. *Thomas*, and S. *Bonauenture*, and so many other Bishops and Doctours, haue thought con-

forme, or at leaſt not repugnant to the word of God; ſhall the contrary propoſition be ſo cleere in Scripture, as it ſhall need neither to be diſputed about, nor cenſured? And what article then of faith may not be thruſt out of the Churches Tribunall, and expoſed to the prey of Hereticall preſumption, if it be inough to ſay, that it is ſo cleere in Scripture, as that therin, there is neither need of diſpute, nor iudgment?

Indeed this might haue ſome apparence, if thoſe who hold the one of the propoſitions, ſhould alledge Scriptures for themſelues, and the others ſhould not cite any at all. But as well thoſe who hold the affirmatiue propoſition, as thoſe who hold the negatiue, argue by Scripture, anſwere by Scripture, and reply by Scripture. For example, they who hold the affirmatiue,
1. *Reg.* 15. that Princes who ouerthrow and deſtroy religion, may be excluded and depriued of their right, alledge, that *Samuel* depoſed *Saul*, or according to others (for I pretend not to treate here by way of reſolution, but only problematically) declared him depoſed, for hauing violated the lawes of the Iewiſh religion. That
3. *Reg.* 11. the Prophet *Ahia* depoſed *Reboam* frō his right of regality that he had ouer the Ten tribes of the people of *Iſrael*, becauſe *Salomon* his Father had reuolted and fallen from the lawe of God, and ſacrificed to falſe Gods. That the
3. *Reg.* 19. Prophet *Elias* depoſed *Achab* for hauing imbra-

ced the religion of false Gods, and persecuted the seruantes of the true God.

Those contrariwise who stand for the negatiue part, answere, that the organs, instruments, ministers, and oracles of such depositions, were the Prophets, who were particulerly and infallibly instructed, taught, and inspired of Gods will, and that their actions cannot be drawne into a consequence for the time of the Euangelicall law, wherin there be more Prophets.

Those, who reply for the affirmatiue part say, that where there were in the *Iewish* religion, two sortes of missions, the one ordinary which was Sacerdotall, and the other extraordinary which was that of the Prophets it; was to this end, that if the ordinary came to decay, or to decline, it might be raysed vp agayne and supported by the extraordinary: But in the law of the Ghospell there is but one mission, and that Sacerdotall, or of Priestes. All the authority & infallibility which was in the two missions of the old Testament, is vnited in the only ordinary & Sacerdotall mission of the new; which consequently can no more fayle, and be deceaued in iudging of Heresy, or of Apostacy from Christian Religion (which be the two only causes, for which the French Doctours, who haue written in fauour of Kinges, think a Prince may be excluded from the right of raigning ouer Gods people) then the propheticall

mission of the old Testament.

And others adde, that euen in the old Testament this prerogatiue was not restrayned to the Prophets alone, but was extended to the Priest: For the Priests iudged of the leprosy, *If thou perceaueſt* (saith the Law) *that*
Deut. 17. *there is difficulty betweene leprosy and leprosy, thou shalt arise, & go vp to the Priests of the Leuiticall stock*. And hereof there were two reasons: the one, for that the leprosy, as all the ancient Fathers haue obserued, was a figure of heresie, the iudgment whereof by right apperteyned to the Priests of the new law of the Gospel alone: the other, for that the leprosy was not then one simple malady or disease, naturall amongst the *Iewes*, as it is now, but it was a punishment extraordinary, miraculous and diuine;
Leuit. 14. For this cause it lay one while in a stone of the
Leuit. 13. wall, which was to be pulled out, to take it away, another while in a linnen, or wollen garment.

By occasion whereof the iudgment of this plague, apperteyned to them who were the ordinary interpreters of the causes of Gods Ire, that is to say, to the Priestes. And in this case, say they, all were subiect vnto them, euen the Kinges themselues and bound after they had giuen sentence of the leprosy, and declared them to be touched with it, to separate themselues from company, and from the gouernment of the people. And of this they bring for

example

example the story of King *Ozias*, who was suddainly stroken with a mark in the forehead for having (notwithstanding what *Azarias* the high Priest said vnto him) taken the Censar in hand, to offer incense before the Altar; & the high Priest iudging it to be the leprosy, did thrust him out of the Temple, and from conuersing with the people, & by that meanes caused, that the administration and gouernment of the Kingdome was taken from him, and transferred to his sonne: though among other nations the leprosy deprived none of conuersation with others; nor of the gouernment of the Common wealth; witnesse wherof is *Naaman*, who was Generall of the warfarre of the King of *Syria*, and Gouernour of his whole Kingdome. 2. *Paralip.* 26. 4. *Reg.* 5.

Finally to passe from thinges figured, to things literal, they allege the story of *Matathias* high Priest, & the head of the family & house of the *Machabees*; who seeing *Antiochus* who raigned in *Iury*, to haue an intent to force the *Iewes* in their ancient customes, and to ouerthrow their law, and to persecute them by punishmentes, torments, & death, tooke armes, & gathered Gods dispersed seruantes together who effected & wrought so much vnder his conduct and his sonnes, as they deliuered the people from the yoke of the *Seleucides*, and tooke from them the Kingdome of *Iury*, and by that meanes conserued the religion of the Iewes, 1. *Mach.* 2. *& seq.*

which without such a resolution, fauoured by Gods visible assistance, had els beene quite exterminated, and abolished out of the land.

Those who hold the negatiue part, come downe to the new Testament, and cite for themselues this passage of *S. Paul*, where he writeth; *Let euery soule be subiect to higher Powers: For he that resisteth the power, resisteth the order instituted of God*. And this of S. *Peter*: *Be ye subiect, whether it be to Kings, as more excelling, or to Rulers*. And by this they inferre, that obedience to Kinges, is of *Right Diuine*, and therefore cannot admit dispensation by any authority, neither spirituall nor temporall.

Rom. 13.

1. Petr. 2.

The maynteyners of the affirmatiue part, answere to this, that these passages do not in any sort touch the knot, or difficulty of the controuersie. For the question (say they) is not, whether it be *de Iure diuino*, to obey Kinges whilest they are Kinges, or knowne for Kinges; But the question is, if it be *de Iure diuino*, that he who hath beene once known, & acknowledged for King by the body of Estate, may cease to be; that is, that he may do some thing, by which he commeth to loose and forgo his rights, & to cease to be acknowledged for King.

Now, these two questions be farre differents For, to take an example euen of him vnder whome S. *Peter* suffered martyrdome, it was *de Iure diuino* to obey *Nero*, whilest

leſt he was Emperour: But it was not *de Iure Diuino* (ſay they) that he could not fall from his Imperiall rightes, and be depoſed, and declared an enemy of the Common wealth. It was *de Iure diuino*, ſo long as *Antiochus* was by the Community of the *Iewes* acknowledged for King, that the *Iewes* ſhould obey him in matters that were not againſt God; For he was no leſſe temporall ſoueraigne of the Iewes, then was the Emperour *Claudius*, vnder whome *S. Peter* wrote. But after that *Mattathias* the high Prieſt, and the reſt of the nation of the *Iewes*, who liued conforme to their owne law, had declared him a Tyrant, and a violatour of the conſciences of the people of God, & therefore no more their lawful Prince; the particuler *Iewes* were then no longer bound to yeild him obedience.

And not only the defenders of the affirmatiue parte: but euen *M. Barcklay* himſelfe, who is the principall propugner of the negatiue part, vſeth this diſtinction and ſayth: There is not any caſe wherin the people can riſe againſt a Prince ruling after an inſolent manner, ſo long as he continueth King. For this commandement of God is alwaies againſt it; *Honour the King, and he that reſiſteth power, reſiſteth God*. And therfore the people cannot haue by any other meanes authority ouer him vnles he do ſomething, by which he by right ceaſeth to be King.

Controuerſ. Monarch. Mach. l. 4. cap. 16.

And els

1. Petr. 2. And els where they adde, what *S. Peter* writeth, *Be ſubiect to euery creature, whether it be to King, as excelling, or to Rulers as ſent by him:* Rom. 13. And *S. Paul: Let euery ſoule be ſubiect to higher powers.* Hebr. 13. And the ſame Apoſtle writeth els where in more expreſſe words thus: *Obey your Prelates, and be ye ſubiect vnto them: For they watch for your ſoules, as thoſe who ought to render accompt.* Hence it ariſeth, that it is as wel *de iure diuino* to yeild ſpirituall obedience to Prelates, as it is to yeild temporall obedience to Princes. And yet it followeth not, that it is *de iure diuino*, that the Prelates, no not the Pope himſelfe, cannot fall from their rights of Prelacy; nor that it is *de Iure diuino* to continue to obey them, after they haue loſt their right.

But the defendours of the negatiue part obiect, that the Church which liued vnder the firſt *Pagan* Emperours, neuer made vſe of this right of abſoluing in the ſpirituall Court, the Chriſtians from the Oath they had made vnto them: And contrariwiſe, that the firſt Chriſtians preached not any other thing, then obedience that they yeilded to the Emperours.

To this againe the maynteyners of the affirmatiue part anſwere many thinges. For firſt they ſay, that the Church not hauing abſolued the Chriſtians of the Oath of fidelity by thē made to the *Pagan* Emperours, all the Chriſtians in particuler were bound, euen in conſcience, to obey them, and pray to God for the ſafety

safety and prosperity of their Empire. And as touching the cause for which the Church did not take away the spirituall obligation, the Christians had to obey them, they bring three reasons.

The first is; For that it had beene ouer great imprudency and folly, to irritate and incense the *Pagan* Emperours, by such a declaration, in a time when they were the Lordes of the whole world, & for that such an act could haue beene not only vnprofitable, but also absolutly domageable & pernicious to the Christians, against whom to incense the Emperour at such time, as they had all the forces, and the world within their handes, was not to succour or promote religion, but to precipitate & ouerthrow it cleane. For it is not sufficient to say, that the Church is bound to doe some thing, because she may lawfully do it, vnlesse she also can doe it with prudence and profit.

The second reason is; For that there is great difference betweene the *Pagan* Emperours, vnder whome the Church began to lay her first foundations, and to take the first rootes, and the Princes who should now fall into Heresy, or into Apostacy from Christian religion, and should become either *Arians*, or *Mahometans*, or *Pagans*. For the *Pagan* Emperours who then were, had not yet at that tyme done homage to *Christ*, nor yielded or bowed their necks to Christes yoke, as we read that

Greg. Turon. in Clodoueo.

S^t. *Remigius* said to our first *Christian King*: *Mitis depone colla Sicamber*, they were not yet by a mutuall, and reciprocall oath bound to their subiects to liue & dye in the religion & obedience of him who carieth written vpon his thigh, *Kinge of Kinges, and Lord of Lordes*. And those wordes of the Psalme: *The Kinges & nations shallbe gathered togeather, to serue our Lord*, were not yet at that tyme fullfilled: Nor those of the Prophet *Esay*: *The Kinges shall adore thee prostrate vpon the earth, and shall lick vp the dust of thy feete*.

Apocal. 19
Psal. 105.
Esa. 49.

By meanes whereof, they not hauing beene declared vassalls & tributaries of *Christ*, nor hauing made to him any oath of homage & fidelity, nor hauing beene receaued by their subiects with that condition they should liue vnder the Empire and Ensigne of *Christ*, and not beeing bound to their subiects by contract and mutuall oath; when they began to proclayme warre against *Christ*, they fell not by their owne proper Profession into any manifest cryme of felony; neither declared they themselues by their owne iudgment vnworthy, and to haue lost the Fee which they held of him; they violated not the reciprocall and mutual oath, that was betweene them & their people.

But at this day the Christian Princes, who haue for so many ages since made profession, to be vassals and tributaries of Christes King-

Kingdome, and to subiect their Scepters, their Diadems, & Crownes vnto his Empire, who haue rayſed, ſeated, and placed his Croſſe vpon their Enſignes, and in their ſtandardes, carried it vpon the forefront of their Diadems, haue ſet it vpon the top of their Crownes, haue ſtamped it vpon their monies and coynes, that it might appeare whoſe tribute-coyne it was, haue made theſe Inſcriptions, *Chriſtus vincit*, *Chriſtus regnat*, *Chriſtus imperat*, haue bound themſelues after ſo long a tyme, by oath, at their Conſecrations, both to God and to their people, to maynteyne the faith of Chriſt, and with that cõdition receaued the Scepter at the handes of their Peeres, and the reciprocall oath of the people: Theſe I ſay, when they come to proclaime warre againſt Chriſt, & to breake the oath they haue made to him, and to their Eſtates, not by a ſimple act of contrariety, nor by a ſimple declaration and fact of repugnãce, but by a profeſſion and proteſtation of a will alwaies bent to contradict, and to oppoſe againſt him: not by a ſimple violating and breaking of an oath, but by a vow and oath of a mind, reſolued for euer to violate and break their oath: not by ſimple default of faith, but by the yealding of their faith and promiſe to the enemy of him, to whome they had by a former promiſe and faith bound themſelues; that is to ſay, by abiuring and perſecuting the Catholike Religion, and by publike profeſſion

of *Arianiſme*, or of *Mahometaniſme*, or of *Paganiſme*; Then they fall into a contumacy of perfidiouſnes againſt God, and make themſelues incapable of the tenures they hold of their Soueraigne, & vnworthy to be acknowledged for Lieutenantes of their Subiectes, and of thoſe that be vnder their charge.

And from this derogateth not that which others obiect, that Kinges ceaſe not to be Kinges before their cõſecratiõ, & therfore the oathes which they take at their Conſecratiõ are not eſſentiall conditions of their Royalty: For they anſwer, that Kinges before they be conſecrated, be preſumed to haue taken their Oath, & made it to their people in the perſon of their predeceſſors, as the people are alſo reputed, & held to haue take their Oathes of Allegiance vnto their Kinges, in that which they haue made to their predeceſſours. In ſo much, as when there happeneth any impediment of Conſecration, they are alwayes thought to haue made and taken their Oath in deſire and will, and *implicite*, as the Schoole Deuines ſay, by a couered relation, that the condition vnder which they raigne, is pretended to haue, to the oathes of their predeceſſors, and namely to the firſt Kinges of the races and lynes. They who are not only content to bind their Succeſſors by their example to take the like oath to their ſubiectes, but alſo to aſſure vnto them the Crowne, with the more ſtrong bandes, they

would oft see them consecrated in their owne life tyme, teaching them by the oath that they caused them in such a case to take, and make to their people, with what a lawe and condition they passed the Crowne ouer vnto them.

4. Cor. 6.

And to this they further add, that where S. Paul sayth, *That it was a shame to Christians, that they were iudged in causes, that they had amongst themselues, by the Infidells* (a thing which the Emperour *Iustinian* conuerted into a law, when he ordeyned that neither Pagan nor Heretike should be admitted to the administration or gouernement of the Common wealth) he seemed to insinuate, that the commandement which the same Apostle gaue the Christians who liued vnder Pagan Emperours, to obey them, was a commaundement made by prouision, and for the time; namely vntill the Church were so multiplied and increased, by the vniuersall conuersion of the Pagans to Christian Religion, as it were, or should be within the power of Christians, to be able, without perill and wrack of state, to hinder the admitting & receauing of any other Princes, but Christians; and to obserue this Law of *Deuteronomy*: *Thou shalt make one a King among the number of thy brethren*.

Cedr. in com. hist. in Iust. ad lib. 2. tit. 5. 6. 21.

Deut. 17 1

The second difference that is betweene the one & the other Princes, is taken fro the diuers condition of Christian people. For in the time of the ancient Pagan Emperours, which is

the tyme (sayth S. *Augustine*) meane by the first part of *Daniels* Prophecy, the Christians had not yet attayned the temporall Tribunall of Christ, nor as yet apperteyned they to Christs temporall Kingdome. For as much as Christ did not at that tyme exercise, or manage any temporall Kingdome on earth, neither had as yet any temporall Ministers of his Lawes, but only exercised a spirituall Kingdome by his spirituall Ministers, which were the Bishops and Pastours. But after that the second part of the Prophecy was fulfilled, that is to say, after the conuersion of Kings, and Countries to the Christian Religion, and that Kings serued our Lord in feare, and apprehended discipline, or according to the *Hebrew* text, *did homage to the Sonne*, he then gayned, and added the Christians, not only to his spirituall Kingdome, which he exerciseth by his spirituall Ministers, which be the Bishops and Pastors; but also to his temporall Kingdome, which he exerciseth by his temporall Ministers and Substitutes, which be the Kings and Princes, *who serue him* (sayth S. *Augustine*) *not simply, as men in obseruing his Lawes, but as Princes, in causing them to be obserued*.

Aug. epist. 80.

Psal. 2.

And therefore since the time, the Christian people hath, by the conuersion of Emperours and Empires, and by the reduction of Kinges and Kingdomes, beene gayned and consecrated to *Iesus Christ* his temporal raigne,

it cannot any more be vsurped, nor possessed by way of right, by the enemies of Christs name. And hence it is, that whatsoeuer Conqueſt the Turke maketh of the Christians, and whatsoeuer possession of long continuance it be, he cannot by any tract of tyme gaine the leaſt inch of prescription ouer Christian people, who were formerly subiect to Christes temporall tribunall, before any such Conqueſt by him made.

And to say the contrary, were not only to imbrace and hod one of *Luthers* errours, who hath taught that the warre, that the Christians made against the Turkes, was vniuſt and vnlawful, & not only to cõdemne the authority of so many Councells, which haue decreed the expeditions of the holy Land, for the ayding of the Christians of the Eaſt, for the deliuering of them from the yoke and seruitude of the Infidells (which had beene a thing vniuſt (For the Accessary followeth the Principall) and if the Christians of the Eaſt had beene lawfull subiectes to the *Mahometan* Princes, they neither could haue reuolted from them, nor rebelled against them:) But also euen to anathematize, and accurse the memory of so many Christian Worthies, and to affirme that so many Knightes, Princes and Kinges & among them our most glorious *S. Lewis*, who dying in that warre, as Champious & maynteyners of Christes cause, pretended to gayne

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the Crowne of Martyrdome, dyed in a cause vniuſt and worthie of damnation.

But thoſe who defend the negatiue part reply, and ſay, that in tyme of the firſt *Arian* Emperours *Conſtantius* and *Valens*, before whome the Empire had already acknowledged Chriſt Ieſus, the Church vſed not ſuch manner of proceeding, nor acquited the Chriſtians of their obedience. On the contrary that the Biſhop *Oſius*, writing vnto the Emperour *Conſtantius*, ſaith vnto him in theſe wordes; *As he who would ſpoyle you in your Empire, ſhould reſiſt Gods ordenance: So I feare that your vſurping the authority of the Church, will make you culpable of a great cryme.*

Apud Athana. in epiſt. de ſolit. vit. agen.

To this then the defendants of the affirmatiue part anſwere two thinges; The one, that the Cuſtome of obliging Princes to make an expreſſe oath vnto God, and to their people, to liue and to die in the Chriſtian and Catholique Religion, had not yet place in the tymes of the firſt Heretique, or Apoſtata Emperours, & was not brought in but afterwards, namely then when they would ſtay, and hinder Religion from falling into the ſame perills, wherin it was vnder them. The other, that the Church vſed not this proceeding, not for defaute of Right, but for want of force and ſtrength, not for want of power in it to ordeyne it, but through want of ability in the Chriſtian people to execute it. For it is not

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inough to bind the Church to declare Princes Infidells, & to haue lost their rightes, & to exhort their subiects to depart from their obedience, that she may lawfully do it, but it is further necessary, that she be able to do it prudently and profitably.

And therefore *S. Thomas* after he had said: *Infidells by the desert of their Infidelity be worthy to loose their power ouer the faithfull*, addeth, *But this the Church sometimes doth, and sometimes doth it not*. And if we should conclude that because the ancient Church hath not declared the first *Arian* Emperours excluded from the right they had from God, of commaunding Catholiks, that therefore she had not the authority to do it; we then should conclude the very same, that because it excommunicated them not, it had no authority to do it. For we find not, that any either Pope or Councell did euer namely and personally excommunicate the *Arian* Emperours: Not for that the Church cánot excōmunicate them, as wel as other *Arians*, whome it excōmunicated from tyme to tyme, but for that it deemed it a matter of imprudency, and pernicious to Religion, to exasperate them, not hauing forces to represse and curbe them.

D. Tho. 2. 2. q. 10. art. 10.

And as touching *Hosius* they answere, that he saith, not, that the Church cánot absolue in the spiritual Court, the Catholiks from the obedience of *Costantius*, if she should haue thought it profitable, possible, and necessary for them to

attempt the deliuery of themselues from his tyranny. Neither saith he, that if the Emperour *Constance* being a Catholique Prince had not beene dead, and that he had declared and proclaymed warre against his brother *Constantius*, as he threatned he would do, if he ceased not to persecute the Catholikes; the Catholikes of the East would not haue ioyned & taken part with him, and would not haue believed that the Church could haue dispensed with them about their oath of fidelity they had made to *Constantius*. But they say, that *Hosius* speaketh of them, who of their priuate authority, and of their owne ambition raised themselues against *Constantius*, to deprive him of the Empire, and to become Tyrantes themselues.

Theod. hist. Eccles. lib. 2. cap. 9. & alibi.

Yet *Lucifer Calaritanus* maketh no difficulty, to call *Constantius* himselfe *A Tyrant, and the Antiochus of his age*, and protesteth, that he is not bound towardes him, to obserue the modesty of wordes, which the Apostle commaundeth to be obserued to Princes and Magistrates; for as much as the Apostle speaketh of Princes, who haue not yet believed in Christ, and not of such Princes as haue reuolted from Christ. *I adde* (saith he) *that the Apostle speaketh of Princes and Magistrates, which haue not yet believed in the only Sonne of God, whome we should by our humility, and meeknes, and long patience in aduersity, and most great obedience in thinges reasonable, prouoke to believe in him.*

Lucif. Calarit. lib. de non parcend. in Deum delinq.

But

But those who hold the negatiue part, reply that the Christians might well haue deposed the Emperour *Iulian* the Apostata. For when the Emperour *Iouian* who was elected after his death, answered the soldiers of the Army, that he would not haue a commaund ouer men who were not Christians, they replyed that they were Christians.

Socrat. hist. Eccl. lib. 3. cap. 19.

Theod. lib. 4. cap. 1.

Sozom. lib. 6. cap. 1.

And to this againe, they who maynteyne the affirmatiue part, want not their answere. For on the contrary, they auerre that the Church could not do it prudently, nor profitably. For besides, that the Christians were so deuided, as the faction of the *Arians* alone, ioyned with the Heathens, (without speaking of other Heretikes, or of the cold Catholikes, who as S. *Gregory Nazianzene* saith, *serued the time, and had not* (as he further addeth) *other law, then the Emperour will*) held their foote vpon the Catholike Churches throate. And besides when *Iulian* was Emperour, he was so far from persecuting the Catholikes at the first, as that in the beginning of his Empire which continued but three yeares, he called the Catholike Bishops home againe, who had been banished and sent into exile, by *Constantius* his predecessour. And in the end he had by fauours, and his other carriage so gayned the souldiers of the Roman bands, as they made almost all profession of Paganisme.

Greg. Naz. in Iul. orat.

Whence it was, that *Iouian* a Christian

souldiar

souldier being by them chosen after *Iulian* his death, answered them that he would not commaund men who were not Christians. For the answere which they made, *We are Christians*, was as much to say, that all they made an outward profession of Paganisme to please *Iulian*, yet in their heartes they continued still Christians. By occasion whereof the feare of a greater ruine hauing hindered the Church, from absoluing the Catholikes from the obligation of fidelity, in behalfe of *Iulian* the Apostata, they were still bound to do that which *S. Austine* sayth of them, *For the loue of the Emperour of Heauen, they obeyed the Emperour of the Earth.*

Aug in Psal. 124.

But some will say, the Christians might well haue deposed the Emperour *Valentinian*, for as much as they were the stronger in *Milane*, when he would haue one of their Churches, for the exercising of his Heresy therin. It is true. But to this the defendants of the affirmatiue part, answere foure thinges. The first, that the memory of the Emperour *Gratian* his elder Brother, and as it were Father and Tutor of the Emperour *Valentinian*, and slayne by *Maximus* the Tyrant, and the most Catholike Prince, and the greatest freind of S. *Ambrose* that euer men, changed all the malice or euill that the Catholike people could haue had, or carried towardes *Valentinian*, into fauour and compassion, and into a

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desire of assisting him, for the reuenging of that murther, and making away of his Brother.

The second is, that *Valentinian* was yet so yong, & the sonne of so Catholike a Father, as there was not any cause or ground to despaire of his conuersion, which also followed within a while after, and that with so great an Edification of the Church, as *S. Ambrose* celebrateth him for one of the most Religious Emperours of his age.

The third, that though in the beginning the people conteyned themselues within the simple boundes of petition, & gaue *Valentinian* to vnderstand: *We contend not, O Emperour, but we become Suppliantes vnto you*: yet when *Valentinian* had a meaning to proceed further, the people held their owne, resisted the Emperour, and stood so resolute in the matter, as he fearing a tumult and reuolt, was constreyned to yeild vnto them. Hence it is, that they thought not, that the commandment our Sauiour gaue to his disciples, when they persecute in one Cittie, to fae into another, was an absolute & perpetuall precept, but rather a dispensation & a permission, accommodated to the tyme; wherein the Christian people either were still vnder Pagan Emperours, or had not yet the meanes to make resistance, against persecutions by might and force.

The Fourth is, that the Emperour *Valentinian* his owne souldiers, thought not them-

selues so bound in way of fidelity vnto him, as they believed they could not be dispensed with, when he should persecute the Catholikes. For when the tumult began to be hoat, they caused it to be signified vnto him, that if he would come vpon the Place, he should come thither accompanied, for as much as they would assist and help him, if they sawe him conioyned, and to take part with the Catholikes, els they would put themselues in company with the troupes that held with *Ambrose*.

But the propugners of the negatiue part recurre to the Analogy of other practises of the Church, & say that for Heresie the owners are not deprived of their goodes, and consequently much lesse Princes should be spoyled of their estates.

To this agayne the mayntayners of the affirmatiue part bring two answers. The one is, that in this our Realme Heretikes loose not their goodes, and the cause is, for that the execution of the lawes made against Heretikes, is suspended for the consideration of the publique peace, and tranquillity. But if there should creep forth some third sect in *France*, & should begin to growe, and were not come to be so great, and to make a notable part of the body of Estate, as *Arianisme*, or *Nestorianisme*, it is questionles, that the other two would judge them, who should make such profession, worthy to be deprived, not only of their goodes,

 but

but of their liues also. For this is practised at *Geneua*, where *Caluin* cauſed *Seruetus* to be burnt: and it is the practiſe at this day in *England*, where the Moſt Renowned moderne King of Great *Britany* puniſheth the *Arians*, with loſſe of goodes, and of life.

The other anſwere is, that there is a great difference betweene the power that owners haue ouer their goodes, and that which Princes haue ouer their Eſtates: For goodes are made for their Maſters, and Princes contrariwiſe for their Eſtates; neyther haue goods any ſoule, nor can be compelled by force, or by example, or by perſwaſion of their Maſters to looſe life euerlaſting, as ſubiectes may be by their Princes, by meanes whereof the practiſe of the one doth not make any conſequence for the other.

And if this queſtion be no where found certainly decided, neither by Scripture, nor by the decrees of the ancient Church, nor by the Apology of other Eccleſiaſticall proceedinges, how is it, that lay perſons will of their owne authority, and without high and preſident of any generall Councell, of any Oecumenicall Synod, of any vniuerſall Aſſembly of the Church, yea againſt the greater part of the reſt of the Church, couert this doctrine into an article of faith, and make the *Clergie* to ſweare it is conformable to Gods word, & cauſe them to abiure the other, as a doctrine contrary to

the word of God, impious and deteſtable?

It is fiue and twenty yeares ſince thoſe of your Order, caried away by the tumult and trouble of the tyme, laboured in the full Aſſemblie of Eſtates, to eſtabliſh one *Fundamentall Law* of Eſtate, cleane contrary to that article of yours: And now you propoſe another *Fundamentall Law, intituled of Eſtate, and of Religion*, quite contrary to that former. And will you (not you, but thoſe, by whoſe inſpiration and aduiſe theſe clauſes be crept into your Bill) that the Laytie cauſe the *Clergie* to ſweare it? That the Laytie exact of the Clergie an Oath in matter of faith? That the Laytie impoſe the Lawes of Religion vpon the men of the Church?

O reproach, and ſhame! O ſcandall! O gate ſet open to all ſort of Hereſies! And ſhall our faith then be ſubiect to the varieties, and inconſtancy of the affections of the people, who chaung euery fiue and twenty yeares? And ſhall the flockes then be guides to their ſhepheardes, and Paſtors? And ſhall the children teach their Father? And ſhall it then be fruſtrated that our Lord hath cryed aloud, *The ſcholler is not aboue the Maiſter?* And ſhall it be in vayne, that the Apoſtle hath ſaid; *Obey your Prelates, and be ſubiect vnto them: For they watch for your ſoules?* And ſhall that be ſaid in vayne, that S. *Gregorie Nazianzene* hath written, *You Sheepe, feed not your paſtors?* And ſhall it be in

Luc. 16. Hebr. 13.

Greg. Nazian. orat. de ſer. ſuis ad Iul. trib. exeq.

vayne

vayne that *Saul* was accurſed becauſe he would vſurpe, and take vpon him the authority of Prieſthood? And ſhall it be to no purpoſe that *Oza* was puniſhed with ſuddaine death for hauing put his hand to the Arke? And ſhall it be in vayne that *Ozias* was ſtroken with the leproſy becauſe he would take the Cenſar in his hand? But the tyme preſſeth me to get out of this point, & to diſpatch the other two remaining, with as much breuity as poſſibly I can.

THE THIRD INCONVENIENCE, that I haue vndertaken to diſcouer and lay open to the eye, in the examen of your article was; that it did thruſt vs into a manifeſt and intuinable ſchiſme. For to ſay nothing of the declaration, that his *Holines* hath already made of the Oath of *England*, vpon the modell whereof this Article hath been formed, and not to permit any hold to thoſe who ſay, that it ſhould be the Pope, who ſhould be the authour of the Schiſme and not we: I ſay that though the Pope intermeddle not himſelfe in our affaires, the Schiſme is all made the very houre that we accept and ſweare this Article or Bill. And that it is not the Pope, but we that make it.

And to confirme it, how can we ſweare that the Pope, and all the other parts of the Catholike Church, hold a doctrine contrary to the word of God, impious and deteſtable,

without making ſchiſme, and ſchiſme not only againſt the Popes perſon, but alſo againſt the Sea Apoſtolike, and againſt all the reſt of the body of the Church? For if the foundation of the Communion Eccleſiaſtique, be vnity in faith, and in matters appertaining to ſaluation, how can we beleeue, and ſweare that the Pope, and all the reſt of the Church, erre in faith, and in matters belonging to ſaluation, and hold a doctrine contrary to Gods word and impious and deteſtable, and conſequently Hereticall, without ſeparating our ſelues from Communion with them, and ſubiecting them in as much, as is in vs, to a malediction and an *Anathema*; and conſequently to deuide the Church, or rather ſeparate our ſelues from the Church?

And how odious a thing, ſchiſme is to God, and how much it is deteſted both of Angells and men, we need not any more expreſſe teſtimony, then that of holy Writ, that teacheth vs, that the earth opened it ſelfe vnder the Schiſmatikes, and that they deſcended all liuing, and aliue into hell: *The ground* (ſayth *Moyſes*) *brake in ſunder vnder their feete, and opening her mouth, deuoured them, with their Tabernacles, and all their ſubſtance, and they went downe quick into hell.* We need not a more expreſſe witnes then Great S. *Dionis* of *Alexandria* who wrote to *Nouatian* in theſe wordes: *It were meet in very deed rather to endure all things,*

Num. 16.

Euſeb. hiſt. Eccl. lib. 6. cap. 45.

then

then to consent to the deuiding of Gods Church: the Martyrdomes to which we expose our selues, to hinder the dismembring of the Church, being no lesse glorious, then those which we suffer for the abstayning from sacrificing vnto Idols. We need not more expresse testimony, then that which S. *Cyprian* bringeth: *That the stayne and spot of Schisme, is not washed away by the bloud of Martyrdome.* We need not a more manifest testimony then this of S. *Chrysostome*, who sayth: *That those who deuide the Church of Christ, merit no lesse punishment, then those who piereed and deuided his owne body.* We need not a more expresse testimony then that of S. *Augustine*, who affirmeth, that the wound of schisme is more grieuous then that of Idolatry. *Those* (sayth he) *whome the Donatists heale of the wound of Idolatry, or of Infidelity, they hurt, and wound more grieuously with the wound of schisme.*

De vnit. Ecclesiæ.

Ad Eph. hom. 11.

Aug. de bapt. contra Donat. lib. 1. cap. 8.

Neither doth this Article only cast vs into an ineffable schisme; but doth also precipitate vs into a manifest heresy, necessarily obliging vs to confesse, that the Catholike Church is perished and decayed on earth for many ages past. For if they, who imbrace the opposite Doctrine, hold an opinion cõtrary to Gods word, impious and detestable; the Pope hath not then for so many ages past, beene Head of the Church and Christes vicar, but an Heretike & Antichrist, and all the other partes of the Church, haue not beene true partes of the

Church, but members of Antichriſt.

And this being ſo, where continued the Catholike Church? In *France* alone? And ſhall then the Part haue giuen a bill of diuorce to the whole? Shall then that which an ancient Father cried out be accompliſhed: *I ſee that, which cannot be done; The Part of the Donatiſts hath ouercome the whole body; A corner of Afrike, hath excluded and thruſt out the whole world?* What then ſhall become of the inheritance, to whome God the Father ſaid: *Aske of me, and I will giue thee the Gentils for thine inheritance?* what then ſhall become of the title of *Catholike*, by which *S. Auguſtine* profeſſeth himſelf to haue beene moſt of all held and kept in the Church?

Author li. contra Fulgent. inter ep. Aug. tom. 7.

Pſal. 2.

Aug. cont. ep. Fundament.

But how ſhould it haue continued in *France*, if this Article be true, ſith all the *French* Doctors haue for ſo many ages held the contrary in caſe of Hereſie, and of Apoſtacie from Chriſtian Religion? we ſhould then alſo bid adiew to the Church of *France*, that hath beene before our times, and take vp the bodies of ſo many Doctours, either *French*, or thoſe who haue written and taught in *France*, as *S. Thomas*, *S. Bonauenture*, and others without number, and burne their bones vpon the Altar, as did *Ieſus* burne and conſume the bones of the falſe prophets.

And this done, where ſhould the Church haue beene? In the deſert of the Apocalyps? And why then ſhould we with ſo mayne force

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oppugne the inuisibilitie of the Heretikes Church? Wherefore should we delay to yeald them the victorie, and our armes, and all? For what greater trophies and signes of victory can we rayse and set vp for them, then to auerre & professe, that the visible Kingdome of Christ, should be perished & cleane decayed through the world: and that for so many hundred yeares past, there hath beene neither temple of God, nor spouse of Christ, nor Church, but that all hath beene the Kingdome of Antichrist, the Synagoue of Sathan, and the spouse of the Diuell? And what stronger machines & engines, could they desire for the abolishing & ouerthrowing of the Article of *Transubstantiation*, that of *Auricular Confession*, and other the like, which were decided against the *Albigenses*, and in few wordes for the ouerturning and ruining of all Catholike Religion, then to say, that the Church which hath decided them, hath done it without authority, and was not at that tyme any more Christes Church, but Antichristes Concubine? See therefore wherunto these men leade vs, who compell vs to sweare, that it is a doctrine contrary to Gods word, impious, and detestable, to hold, that subiects in some cases may be absolued of their fidelitie. And this proposition they would haue vs put in the same conclusion of faith, and vnder the same decree of *Anathema*, with that of the murthering of Kinges.

THERE remayneth the last *Inconuenience*, which I promised to examine, which is, that this medly doth not only make the remedie, that they would bring to the daunger of Kinges, to be vnprofitable, but more then that to be pernicious and domageable. And now I beseech you, Gentlemen, before I enter into the matter, to permit me to tell you, that I giue not place in affection to the seruice of the King to any of my Countrymen. I am a *French* man borne, and the sonne of a *French* man, and I haue neuer but respected our Kinges. I haue neuer in fact of State, cast mine eyes vpon others, & God lending me my right wits I will neuer turne mine eyes away. I haue beene nourished, brought vp, intertayned and raysed vp vnder the winges of my Soueraigne King *Henry* the third, & haue alwayes continued an adherent to his fortunes, whilest he liued.

After his death I followed likewise the fortune of the deceased King *Henry* the Great, of glorious memory, and that with a good, and with a sound conscience, euen according to the *Maximes*, as well of those who defend the affirmatiue part, as of those who hold the negatiue. For to say nothing of the word of *Relapse*, that was by bad information imputed vnto him, he was neuer either persecutour or incorrigible. On the contratry, after the tyme of his predecessors death, he promised to procure to informe himself and be instructed, and

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in his greateſt affayres, he did me the honour to confer with me in ſecret about the points of our faith, for the preparing of himſelfe to his Conuerſion. I brought him by the grace of God back, or the grace rather by me to the Catholike religion. I obteyned his abſolution at *Rome* of *Pope Clement* the 8. and reconciled him with the Sea Apoſtolike: Actions, by which he effected and wrought the recouery of his Eſtate, and the reſtoring of you all to your houſes, commodities, and fortunes.

I euer ſerued him after that, ſupporting & vpholding the honour, and rightes of his Maieſty, in a more affectionate manner then I tendred mine owne life; not here, where it is an eaſy matter to extoll the Kinges ſeruice, and to commend, as the ſaying is, the *Athenians at Athens*, but out of his owne Kingdome, and there where matters were canuaſed and diſputed vpon. And of this alſo, I haue receaued for a ſigne, and teſtimony of approbation of my ſeruice, all theſe honours & commodities I am now poſſeſſed of; for as much as I neuer receaued neither goods nor dignities, but of him. It is he alone who hath aduanced me, and rayſed me vp to a *Biſhop*, *Archbiſhop*, and *Cardinall*. He made me *Great Almenour*, and beſtowed vpon me the meanes and prouiſions, neceſſary for the helping of me, towards the ſuſteyning and bearing out a part of theſe charges.

And from the King his Sonne, I continue the

the enioyng and poſſeſſion of the ſame benefits and good turnes, without hoping or deſire of hope of gratrificatiō from any other. And therfore, Gentlemen, you ought to be belieue that I am not moued in this, for any other intereſt, then for his ſeruice and for the conſeruation of the Catholike Religion, in preſeruation whereof is comprehended both the ſpirituall and temporall ſafety of himſelf, & of his eſtate.

For the firſt branch then of our laſt oppoſition, which is, that the mixtion of contentious matters, maketh the remedy which they would bring for the daunger of Kinges, vnfruitfull and vnprofitable, we haue already ſaid inough from the beginning. For ſeeing we will agree both the one & the other, that the tēporall laws, & the paynes & penalties impoſed vpon the body, do not any waies ſerue the turne or be inough to preuent, auert, & put by theſe wicked attemptes, and that we muſt make recourſe to ſpirituall lawes, and to the paynes that be exerciſed after death, that is to ſay, to the lawes of excommunication, and of damnation eternall: and for that reaſon teacheth vs, that the lawes of *Anathema*, and of *excommunication*, make not any impreſſion in the ſoules, if they be not belieued to proceed from an infallible authority, how is it, when there ſhalbe intermixed ſome clauſe conteſtared & called into queſtion by the reſt of the Church, that they will ſerue for a bridle to thoſe, who feare

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nothing but the payne and tormentes of the soules? And how shall such lawes imprint the terrour and feare of *Anathema* in mindes, that shall believe, that the lawes themselues be subiected to *Anathema*?

On the contrary, how will they not quite ouerthrowe, the good and sufficient remedies, that the generall Councells, whereof the authority is infallible, haue instituted for the safety of Kinges, which they would take from vs by the medly of other thinges wherevnto the vniuersall Church doth not agree? I haue sayd good & sufficient remedies for the safety of Kinges, which they would haue taken from vs. For who knoweth not, that if the infernal monsters, who made the attemptes vpon the liues of our two last Kinges, had read the Ecclesiastical lawes, they had found their damnation expressed in the decree of the Councell of *Constance*. And therefore it was not for default of Ecclesiastical lawes, that they committed those two most horrible murders, but for this, that they had not read them, or rather by occasion of an enraged and diuellish malice, wherewith they were possessed.

But they will reply, that it was not inough for the securing and assuring of the life of Kinges, that the Church hath decreed vnder the payne of Excomunication, that none may attempt vpon their persons, if it decreeth not further, vnder the same paynes, that the sub-

iects cannot be absolued from their obedience, in whatsoeuer estate they be, that is to say, euen when they should make profession of heresy, or incorrigible Infidelity, and should become persecutours and violators of conscience. For though (say they further) the Church forbiddeth, that no attempt be made vpon the life of Princes; yet if the Princes happen to fall into incorrigible Heresy or Apostacy, and become persecutours of the faith, and that the Church thereupon declare their subiectes absolued from the oath of Allegiance, and that notwithstanding this declaration, they will inforce the subiects to continue their obedience vnto them, they become Tyrants, And then (adde they) the Politique Lawes permit *euery particuler body* to attempt vpon the person of Tyrantes, and consequently their life in case of Heresie, or of Apostacy cannot be secured.

To this obiection the answere is short and easy. For the Church intermedleth not her selfe with the absolution of the subiects, but in the Ecclesiasticall Court, and therin besides this payne, and that of excommunication, it imposeth not any other. By meanes wherof it is so far from consenting, that any attempt be made vpon the life of them whom it hath excommunicated, as it abhorreth all sorte of killinges, and murtheringes, and especially such as be sudaine and vnexpected, in

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regard of the losse of both body and soule; which commonly go therin accompained together.

And if they say, that the Church ordayneth it not, but that it is the cause that it is done, for as much as the Common wealth conforming it selfe to the Churches iudgment, and making the same decision in the tribunall politique, if the Prince keepe on his former course, declareth him a Tyrant, and an enemy of the state, and consequently subiecteth him to the power of the Lawes politique, which permit the conspiring against Tyrantes, for the making of them away, and for killing of them: we bring first this exception, that there is great difference betweene Tyrantes of vsurpation, whome the Lawes permit to extirminate by all manner of wayes, and Tyrantes of administration and gouernement, who are lawfully called to their Principality, but gouerne it ill; and we add that the Heretical Princes who persecute the faith and their Catholike subiects, be of the number of Tyrantes of administration, and not of the number of Tyrantes of vsurpation, against whome alone it is permitted to conspire by clandestine and secret practises.

And if they further vrge and say, that the politique Lawes permit conspiracies against the one and the other: we answere, that they are politique prophane, and heathenish Lawes,

as those of the ancient *Romans*, or of the *Grecians* in former tymes, and not Christian politique Lawes. For the Christian politique Laws consider not only in their Princes the respect due vnto them, for the good of temporall pollicy, and the regard of the Maiesty of the Estate which they represent, but they further consider in them the Image and vnction of God, who hath called them to that Dignity, in so much as in them, who haue once had the lawfull vocation of Royalty, what Tyrany soeuer they exercise, the Christian politique Laws neuer passe so farre, as to permit the vse of proscription against their persons, or that any do attempt by clandestine, or secret coniuration, or conspiracy against their persons, or liues; but they carry the same respect to them, that did *David* to *Saul*, notwithstanding he knew he were reiected, cast of, and reproued of God, when he said: *If he shall extend his hand upon the anoynted of our Lord, and shall be innocent?*

1. Reg. 26.

In so much, as if the Christians be constrayned to defend their religion, and their life against Heretical and Apostata Princes, from whose allegiance they were absolued, the Christian politique Laws permit not more then what is permitted by military Lawes, and the right of nations, that is to say, open warre and not clandestine and secret assassinats and conspiracies. For the [illegible] maynetn in them

a certain habitude to the dignity Royall, & as it were a marke of a politique character, that discerneth them from simple particulers: and when the obstacle and impediment is taken away, that is, when they come to amend themselues, and to giue satisfactiō, it restoreth them to the lawfull vse and exercise of their regality.

And therefore we see, that in so many controuersies that the *Popes* haue had with tēporall Princes, neuer any Pope went so far as to counsell, or to assent to the murthering of Princes. Contrariwise if any calumniators laboured to impute it vnto them, they haue euer iustified themselues, euen with the horrour and abhomination of such actes; remembring themselues of these wordes of *S. Gregory*, when the *Lombards* made war vpon him: *If I would haue medled with the death of men, the Nation of the Lombards should at this day haue had neither King nor gouernor. But because I stand in feare of God, I will not haue to meddle, or deale with the death of any person.* Greg. lib. 7. epist. 1.

And touching the other point of the last *Inconueniente*, which is, that this medly maketh the remedies, that they would bring to the daunger of the Kinges, to be not only vnprofitable, but also pernicious and domageable, there needeth not much eloquence to persuade it. For if those who made the attempts vpon the liues of our Kinges, were moued to those horrible parricides by a false imagination

tion which they conceaued, to wit, that our Kings did something in preiudice of religion, how much more would they haue thought they had a greater & better pretext, if they had beleeued, that our Kings had abused their authority by the bringing in of schisme, and the ouerthrowing of Religion, and that they had seene themselues in schisme, & separated from the communion of the Sea Apostolique, and cut off from the other partes of the Church?

And more then this, who vnderstandeth not, that there cannot happen any thing of more and greater daunger for the life and authority of Kinges, then intestine and ciuill wars, which schismes do ordinarily draw after them?

Moreouer who knoweth not, that the cõtempt and indifferencie of Religion, which must needes follow vpon schismes, engendreth and occasioneth Impiety and Atheisme, and taketh quite away all the respect that men are wont to carry to Kinges for the loue of God, and for the reuerence of Religion, which is the strongest corps or Court of Guard, and the surest rampaire for the defence and security of their persons? For when Religion is had in contempt, men are not any longer withholden from attempting vpon the persons of Kinges, then by force, and by feare of the temporall paynes, and therefore when they thinke they may do it, without beeing punished, or that

they contemne and make no reckoning of the temporall paynes, they haue no more bridle to conteyne them, or to hold them in.

Finally, who seeth not, that there can be nothing worse for the safety of the persons, and of the estate of Kinges, then to stir vp, and drawe vpon them, by an ouerture of a new schisme, and diuision from the Church, *the wrath of him, who taketh away the spirits of Princes from out of the earth?* Psal. 75.

And heere, Gentlemen, I will not with you vse more reasons and argumentes, but wil passe ouer to exhortations and intreaties; and wil coniure you to remember, that you are *French* men; and that you are also Christians and Catholikes, and that in treating touching the securing of Kinges, you must not only cast your eies vpon the earth, but also lift them vp to Heauen; and you must not remedy their temporall safetie in causing them to forgo and loose the euerlasting, nor prouide for your bodily part which is *France*, by destroying and ruyning the spirituall parte, which is the Church.

The *Pope* tolerateth and endureth for the good of the Churches peace, that the *French-men*, that is to say some of them hold & mayntayne in this point, Doctrine contrary to his owne, and to that of all the rest of the Church, so they hold it only as problematicall, in matter of faith, that is to say, that they propose it not

not as necessary to be held, with that necessity which is of faith, and declare not the other to be contrary to Gods word, impious and detestable. And though in the cases before specified, there be ten Countries against but a parte of one, an hundred Doctours against one, ten Councells against none: yet whether it be that these Councells do not therin expresse their intention by forme of decision of faith, but by forme & manner of supposition, or for some other causes, he is contented to hold the Doctrine contayned in them for true, without binding vs to hold it for necessary, as matter of faith; he is contented to hold the contrary opinion for erroneous, without binding vs to hold it for Hereticall, and not to excommunicate them, as Heretikes, that hold it.

And wherefore then should wee now go about to breake the Churches communion, & to deuide the vnity of Christes body, by turning into matter of fayth, a doctrine, which doth not only make the remedies, which they would bring for the security of Kinges vnprofitable, but further, maketh them pernicious, both to their persons, and to their Kingdome?

There is no tyme wherin schismes be not most domageable, and preiudicial to religion and to State, but they be most of all ruinous and pernicious to the one and the other, when the tymes be already infected with heresy. For as the Phisitians say, that in the tyme of pesti-

lence all sortes of feuers end in the plague: so in the tyme of Heresy all schismes haue their ending in Heresy. And therefore Heresie hauing now at this day so great part in *France*, if we proceed to bring in a schisme among Catholikes, who doubteth but that the fruite of this diuision, will be the enfeebling and weakning of the Church, and the strengthning of Heresy? And if Heresy euen when she is weakest hath so much ado to keep herselfe quick, how will she continue in peace when she shall once come to an equality? And if we breake it, how shall she be able to disturbe the peace of Religion, without troubling therewithall the Kinge, and the State also?

It is certayne, *Gentlemen*, the scope and intention of them that first moued this stone of scandall, was not to prouide for the security of the State, and the person of our Kinges: Their drift and intention was to cast the seedes of diuision in the Church of *France*, and to assay either to separate it from the other partes of the Church, or to deuide it within it self.

I say not this to taxe you. I honour you all, as persons of singular wisedome, and merit, and most affected to the Catholike Religion. But I know you are not the first authors and inuentors of this Article. I know that it hath beene craftily thrust into some of your seates, It is not long tyme since they haue menaced and threatned vs with this apple of discord.

These be those that be already seuered from vs, and haue by this meanes thought to sow some sparcles of diuision amongst vs; and for this end they haue serued themselues of men, who carry the name of Catholikes, and more then that; of Ecclesiasticall persons, and for the vndermining & beguiling of the ingenuity, good disposition, and simplicity of others, vnder the title of seruice to the King.

The pretext they haue taken, is fayre, it is specious, it is euer shadowed with the name of the King, but vnder this couer, is hiden schisme and the designe of making a diuision in the Church. These be the *Phrygiens* fighting vnder *Achilles* his buckler.

When *Iulian* the Apostata meant to draw the Christians to the adoration of the false Gods, he caused the Idolls of *Iupiter*, *Venus*, and *Mercury* to be intermixed, and put in company with his owne pictures, to the end, that when they should present his owne Images to the Christians to adore (as it was the custome then, for the people to adore the Images of their Emperour) the Christians either refusing to do it, should be accused of high treason, as hauing refused to adore the Emperours Image, or in doing it be constreyned ioyntly with the Image of the Emperour to adore Idolls. These men haue heere done the very same, hauing intermedled in one and the same Article, a decree of the securing of Kinges, together

gether with an introduction of ſchiſme, to the end that thoſe who ſhal refuſe this oath, ſhould put themſelues in daunger, either to be eſteemed litle affectioned to the ſeruice of Kinges, or to be thought culpable of ſchiſme.

And therefore you muſt not ſuffer your ſelues to be beguiled by this firſt bayte. It is of hony, but yet of hony, that hath beene made by drone bees, that haue gone from one flower of hemlock to another, that is to ſay, by ſoules that haue taſted and ſucked the venome of ſchiſme.

Ariſtotle writeth, that we muſt behold pleaſures not before, but behind, not when they are comming, but when they are gone & paſt. In like manner in this there be ſpecious pretextes, you muſt regard and behold them, not by the face, that is to ſay, by the firſt ſight, but by the back, that is, by the ſequele and ſucceſſe.

This Oath reſembleth *Horace* his Mõſter, which hath the head of a fayre and beautifull woman, that is, the pretence of the ſeruice and ſafety of Kings; but it hath a fiſhes tayle, that is the tayle of Schiſme, and of diuiſion in Religion. And indeed it may well be ſaid to haue a fiſhes tayle, ſeeing it is come ſwymming by ſea from *England*. For it is the very ſame Oath of *England* (ſauing that of *England* is yet more ſweete, and more modeſt & moderate.) I will not proſecute this point for feare to offend the

moſt Renowned King of Great *Britany*. I am (ſetting aſide religion) his moſt humble and moſt affectionate ſeruant. I do in a moſt high degree eſteeme, & honour his learning, his eminent morall vertues, and his excellent naturall conditions, and I find nothing to be deſired by me in him, that might expreſſe, not a fayned Image made at pleaſure, as that of *Cyrus* by *Xenophon*, but the true and reall image of a perfect, and complete Prince, the title of *Catholike* only excepted.

Hee hath bound in generall all men of learning vnto him, hauing made the *Muſes* to ſit in his Royall throne, and he hath obliged me in particuler, for hauing pleaſed to take the paynes, to enter with me into the liſtes of diſpute of Diuinity, & not to do as did *Alexãder*, who diſdayned to enter into the *Olympian* race, if he were not to run his courſe againſt Kinges.

I therefore touch not this ſtring, for feare of offending. I know that holding the religion he doth, he thinketh to do what he ought, when he aſſayeth to bring in a Schiſme, and diuiſion in ours. But ſhall it be ſaid, that what the King of *Great Britany* doth in *England*, againſt the Catholikes, doth ſerue vs for a law, and an example to do the ſame in our Catholique Countrey? Shall it be ſaid, that *France*, that hath for ſo many ages beene honoured with the name of a moſt *Christian Realme*, and in which *S. Hierome* ſaid, there were no monſters,

Hier. contra Vigil.

sters, is brought to this, that it permitteth not Catholike religion, but with the same conditions, and seruitudes that be impoled vpon it in *England*? Shall it be said, that Ecclesiasticall persons be not suffered to liue in *Frãce*, but vnder the stipulations, & conditions vnder which it is permitted them to liue in *England*? Shall it be said, that the Catholikes of *France*, and especially the Clergy, enioying security and freedome, shall be enforced to sweare and binde themselues to believe the same thing, which with groaning and sighes, thereby to gayne some litle breath, is done by Catholiques in *England*? And if there be found in *England* Catholikes constant inough to suffer all sortes of punishments, rather then to consent vnto it; shall there not be found those in *France* to doe the same, rather then to subscribe, & to sweare an article, that putteth the raynes of the faith into the handes of the Laytie, and bringeth a diuision and Schisme into the Church? Yes certainly, Gentlemen, such will be found in *France*. And all we who are Bishops will rather go to martyrdome, then giue our consentes to the deuiding of Christes body, remembring this saying of *S. Dionysius* of *Alexandria*; *That the martyrdomes that men suffer for the hindring of the Churches diuision, be no lesse glorious, then be those that men endure for absteyning from sacrifising to Idolls.* *Apud Eusseb. Eccl. hist. lib. 6. cap. 37.*

But we are not, God be thanked, vnder a

King who maketh martyrs, he leaueth the ſouls of his ſubiectes free, and if he doth it to thoſe of his Subiectes, that be ſtrayed from the Church, how much more will he do it to thoſe ſoules of his Catholike ſubiects? we liue the one and the other, vnder the ſhadow of the Edictes of peace, in liberty of conſcience. And wherefore then ſhould we be conſtreyned to ſweare that, which we forbeare to make others to ſweare?

There is not one only Synod of Miniſters who would haue ſubſcribed to that article, wch they would bind vs to ſweare. There is not one Conſiſtory of others, but beleeueth that they are diſcharged of their Oath of fidelity towardes Catholike Princes, when they ſhalbe forced by them in their conſciences. Of this come thoſe modificatiõs that they haue ſo oft in their mouth, *Prouided, that the King forceth vs not in our conſcience*. Of this come theſe exceptions in their profeſſion of faith, *So the Soueraigne Empire of God abide in his owne integrity*. Of this came the taking of arms ſo many times againſt the Kings, when they would take from thẽ the liberty of religiõ. Of this came their inſurrectiõns and rebellions, both in *Flanders* againſt the King of Spayne, & *Sweden* againſt the Catholike King of *Polonia*, whome they ſpoiled of the Realme of *Sweden* his lawfull inheritance, and therin eſtabliſhed *Duke Charles* a Proteſtant.

Neither yet do they reſtrayne theſe exceptions

ceptions to the only caſe of religion, & of conſcience, but they further extend them to ſecular matters. The writinges of *Buchanan*, *Bruſe*, and infinite others giue teſtimony, who will, that if the Kinges fayle in temporall conuentions and accord, which they haue made with their ſubiects, their ſubiectes be free to reuolt from them.

Not conſidering that there is great difference, as we haue already declared, betweene faylinge in a ſimple accord, made by Oath, and deſtroying the Oath, by the which the accord was made. For when a Prince doth of frayltie, or of humane paſſion commit ſome iniuſtice, he doth indeed againſt the Oath he hath made to his people, to do them iuſtice; yet he doth not thereby deſtroy his Oath.

But if he make a contrary Oath, that is to ſay, inſteed of what he hath publiquely and ſolemnly ſworne to his people, which was to do them iuſtice (to wit, as far as humaine frailty will permit) he ſhould ſweare and bind himſelfe by another publique and ſolemne Oath, that he would neuer render them iuſtice, but rather ſweare, that he will miniſter nothing but iniuſtice; he ſhould then deſtroy his Oath, & renounce his owne Royaltie, in renouncing by a contrary Oath the clauſes and conditions of his former oath, for which, and by meanes and occaſiõ wherof his Royalty was inſtituted.

And

And therefore *Barckley* the *Achilles* of the doctrine of your Article, hath had moſt iuſt cauſe to reprehend, and find fault with the aforeſaid authours, but in reprehending them, he hath reſerued an exception of two caſes, which make much more to the preiudice of Kinges, then do the Churches cenſures from which he would exempt them. For he affirmeth expreſly, that in two caſes the people may ſhake off the yoke of Kinges, & arme themſelues againſt them. Behold his wordes. *What then? Can there not occurre any caſes in which the people may riſe, & take armes by their owne authority, and aſſaile a King inſolently raigning? None indeed, ſo long as he contynueth King: For this commaundement of God contradicteth it alwaies; Honour the King &c. who reſiſteth power, riſiſteth God. The people then* (addeth he) *cannot haue by any other meanes power ouer him, but when he doth ſome thing, by which he ceaſeth of right to be King. For then, for as much as he ſpoyleth and depriueth himſelf of his principality, and maketh himſelf a priuate perſon, the people remayneth free, and becommeth ſuperiour.* And theſe two caſes, as he ſaith, be when a Prince laboureth, and hath intention to exterminate and ouerthrow the Kingdome & common wealth, as *Nero* and *Caligula* did; or when he will make his Kingdome feudatary to another. *I finde* (ſaith he) *two caſes in which a King by fact maketh himſelf of a King no King, and deprieth himſelf of his royall dignity and of power ouer*

Guil. Barcl. lib. 4. cont. Monarchomach c. 16.

Ibidem.

his subiectes. The one is, *if he goeth about to exterminate the Realme & Common wealth, that is to say, if he hath a designe and intention to destroy the Realme, as it is recorded of Nero, that he had a deliberation to exterminate the Senate, and the people of Rome &c.* And the other, *if the King hath a wil to put himselfe vnder the clientele and protection of some other.*

But who seeth not, that this is a thing too-to vnworthie for a Christiã to admit these exceptions, in case of the destruction of a Cõmon wealth, and not in case of the destruction of Religion? and otherwise the iudgment which the people may make of the one is much more perilous to Princes, thẽ that which the vniuersall Church may forme of the other. And yet these be at this day the writers whome they celebrate, extoll, and whome they haue in their eyes; For so an authour say something against the Pope, and that he put as much as he please the sarcetie of Kinges vnder the peoples feete, him they imbrace, applaude, and adore.

And of this we neede not any better proofe, then the edition of *Gerson*, which they who haue beene the first authors of the Article that is now proposed vnto vs, haue caused to be imprinted eight yeares since, with inscriptions, pictures, and elogies, or testifications of his prayses, because he seemeth vnto them to haue writen against the Pope. For in his sermõ made in the presence of King *Charles* the 7. in the

Gers. serm. ad Regem Fran. nomine vniuersit. Paris.

the name of the *Vniuersitie of Paris*, after he had made *Sedition* to speake, which wills, that vse without exception and indifferently be made of this rule of *Seneca*: *There is not a sacrifice more pleasing vnto God, then the killing of Tyrants*, and that it is to be put in vre against all sortes of persons accused of Tyranny, and vpon all manner of suspitions, and of defamatory libels; and *Dissimulation*, that wills on the contrary, that we neuer vse it, but that we endure all Tyrants: he bringeth in *Discretiō* that teacheth

Gers. ibid.

when it is to be vsed in these wordes: *We conclude further, that if the head, or any other member of the Commō wealth should incurre such an incōuenience, as he would swallow vp the deadly poyson of Tyrany, euery member in his place should oppose himself by all his possibility by expediēt meanes, & such as should not make the matter worse, seing it were to small it purpose when the head aketh, that the hand should strike at but nathorfully. For neither is it necessary to cut it off by & by, & to seg made it from the rest of the body, but we must cure it sweetly, & swelly good words, as otherwise, like prudent & wise Phisitians. There could not be any thing more against reason, & of greater cruelty, then Tyrany by a sedition, & a sedition a rebellion of the people, without cause, and without reason, which is oft tymes worse the tyrany &c. There needeth great & singular discretion, prudence, and temperance about the expulsion & thrusting out of tyranny, and therefore we must heare, and give credit to wise Philosophers, Lawyers,*

Deuines, to men of good life, of good and naturall prudence, & of great experience, of whom it is said, In old men is found experience. *For though a Prince and Lord sinne in many cases, yet he must not for that be presently censured a Tyrant.* So he there.

And in his worke often Considerations against the flatterers of Kings, where he recapitulateth a part of the discourse of his Sermon, he sayth: *It is an errour to believe, that a terrene Prince is not bound in any thing, during his raigne, to his subiects: For according to diuine right and naturall equity, and the end of true gouernement, as the subiects owe fidelity, ayd, succour and seruice to their Lord: So the Lord oweth againe faith and protection to his subiects. And if the Prince manifestly pursue and persecute them, and with obstinacy in iniury, and by fact, then this naturall rule (It is lawfull to repell force by force: and this saying of Seneca, There cannot be a more acceptable Sacrifice immolated and made to God, then by taking away of a Tyrant) taketh place.* *Gerson Considerat. 7. contra adulat.*

And notwithstanding this which is more strange, those who haue caused this to be reprinted, haue not vouchsafed to add, either in the beginning of his workes, or in the margent of these wordes, any obseruation, or note for the censuring of them, or for aduertisement of the Reader to take heed. But indeed, how could they haue done it without condemning themselues? Themselues (I say) who during the fury of these last troubles had been En-

ſigne-bearers, or rather had caried the burning torches of this pernicious doctrine, and had maynteyned and publiſht it againſt King *Henry* the third, by propoſitions diſputed and printed? For theſe be their words: *It is moſt certaine, that by right, both divine and naturall, the Eſtates be above Kings.* And againe: *It was lawfull for all the people of France moſt juſtly to take armes againſt the Tyrant*; that is to ſay, againſt King *Henry* the third. And a litle after: *They, who conſider matters attentively and diligently, will judge that the eternall enemies of the Religion, and of the Country ought to be purſued not only by publique armes, but alſo by the ſword, and platts of particuler perſons.* And that lames Clement the Dominican *was not put forwards by any other deſire, then by the love of the Lawes of his Country, and of the zeale of Eccleſiaſticall diſcipline, by which this reſterer of our Liberty, hath put upon his owne head grace, and upon our neck a coller of gold, and the heauenly collers of the Church.* Thus there.

This I ſay not to ſcandalize them (for I conceale their names) nor to reproach them with that, that the bounty, and clemency of the King hath buried vp and forgotten; but to ſhew, that they ſhould be content to attend the reſt of their dayes, to the cancelling and waſhing away of their offence with their teares, and not to meddle themſelues with the making of leſſons, of the ſeruice of Kinges, to

them

them, who alwaies well and faithfully serued them, euen then when they persecuted them.

But these are violent spirits, who being transported to one extreme, and not being of power to hold the meane, thought that the best meanes for the iustifying of themselues was to passe ouer to the other extreme, and to put their hand to pen, to write and fight against the Pope. Wherin as they are found conforme, or at least very like vnto the Churches enemies, they haue beene so set on, and plyed by those our enemyes, and by some that dissembled with them, as they haue beene induced & thrust on, vnder a pretence of the Kinges seruice, to sow the seedes of schisme.

But, Syrs, the King desireth not to be serued after this sort: his will is not that prouision be made for his safety by schisme, and by the Churches diuision: In the ruines whereof is comprehended the ruine and ouerthrow of his owne safetie, spirituall and temporall: he is a Catholike, and the eldest child of the Catholike Church, he is the first Catholike of all the Kinges, and the first King of all the Catholikes. He feareth not to fall into Heresy, and standeth not in doubt of the Popes censures, nor dreadeth the Churches threates against Heretikes. He is the prime and principall protectour of the one and the other. He is the heire both of the Crowne, and of the name, and of the faith of that glorious S. *Lewis*, who was the

Churches support and pillar, and the Popes defence, & retrait. He is descended from a mother no lesse Catholike, pious, and Religious then his graine: he is inseparable & indiuisible from the vnion and amity of the Sea Apostolike, & doth seeke by all manner of reasons, both spirituall and temporall, to maintaine it.

In the person of *Elizabeth* Queene of *England*, the interests of Estate fought against those of conscience, and bound her, to continue seuered from the communion of the *Pope*. But all the interests aswell of State as of Religion, bind the gratitude of our King, to conserue himselfe in intelligence, correspondence, vnion and amity with the Pope: he is besides the Titles his predecessors haue gained him, a child of the Sea Apostolique in many sortes. *Pope Clement* the Eight receaued the deceased King *Henry* the Great his Father into the Churches bosome and lappe, he resolued, and established his mariage with the most Christian Queene *Mary de Medices*, to whose prudence, vertue, and bountie, we owe the prosperity of our new raigne, and the memory of whose most happy Regencie, al the ages of posterity will extoll and blesse. Out of this Mariage, is come the Sacred bud of our Lillyes, which *Salomon* did not match with all his glory: I meane the King who now raigneth. *Pope Paul* who sitteth at this day in the Sea of Peter was his good Father, and as his second

Father

Father, hath imployed himselfe by all manner of cares and good offices, to procure before God, and before Men, the conservation of his person, and of his Realme. And wherefore then should we disturbe or trouble this concord, by Lawes not only of State, but also of Religion, and of conscience, which our Fathers have not known? Cast your eyes vpon the histories of *France*, and you shall finde, that allwayes when our Kinges have beene in vnion, concord and correspondence with the Sea Apostolike, and that the Spouse (to vse the termes of Scripture) hath fed among the lilies; all sortes of graces, and benedictions temporall and spirituall have rayned and come downe vpon them and their people: but shall finde that as when the Arke of Couenant stayed and continued in the house of *Obededom* there was not any kind of felicity wanting: euen so long as the Communion of the Sea Apostolique hath beene amongst vs, & that we have had the assistance of the Vicar of him, who is the true Arke of Couenant, we haue had our share in all sortes of prosperities: the name of *Frenchmē* hath dispersed it self from one end of the world to the other, and our *Lillyes* haue extended and reached themselues to the furthest remote corners of the earth.

Contrariwise at what time our Kinges were seuered from the communion of the Sea Apostolique, the Lillies hath beene amidst the thornes